



The Gazette of India

PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, SATURDAY, JANUARY 11, 1964/PAUSA 21, 1885

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 1st January 1964:—

Issue No.	No. and Date	Issued by	Subject
268	S. O. 3598, dated 24th December, 1963.	Ministry of Home Affairs.	Amendment to S.O. 259, dated 25th January, 1960.
269	S. O. 3599, dated 24th December, 1963.	Ministry of Finance	Amendment to S.O. 2797, dated 27th September, 1963.
	S. O. 3600, dated 24th December, 1963.	Do.	Amendment to S. O. 3325, dated 29th November, 1963.
270	S. O. 3601, dated 28th December, 1963.	Do.	The Emergency Risks (Goods Insurance (Fourth Amendment Scheme, 1963.
	S. O. 3602, dated 28th December, 1963.	Do.	The Emergency Risks (Factories) Insurance (Fourth Amendment Scheme, 1963.
271	S. O. 3603, dated 28th December, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
272	S. O. 3604, dated 30th December, 1963.	Ministry of International Trade.	Appointing 1st January, 1964 on which the Export (Quality Control and Inspection) Act, 1963 shall come into force.
	S. O. 3605, dated 30th December, 1963.	Do.	Establishing the Export Inspection Council consisting of persons specified therein.
273	S. O. 3606, dated 30th December, 1963.	Ministry of Finance.	Appointing 1st January, 1964 on which the Central Boards of Revenue Act, 1963 shall come into force.
274	S. O. 3607, dated 31st December, 1963.	Do.	Appointing 1st January, 1964 on which the Companies (Amendment) Act, 1963, shall come into force.
275	S. O. 3608, dated 31st December, 1963.	Ministry of Home Affairs.	Declaration of the Commission of Enquiry regarding incidents of Tibbia College as ceasing to exist from 1st January, 1964.
	S. O. 104, dated 1st January, 1964.	Ministry of Finance.	Declaring certain taxes—specified therein—as direct tax.
	S. O. 105, dated 1st January, 1964.	Do.	Amendment to S.R.O. 612, dated 28th February, 1957.

Issue No.	No. and Date	Issued by	Subject
	S. O. 106, dated 1st January, 1964.	Do.	Amendment to S.R.O. 612, dated 28th February, 1957. 
	S. O. 107, dated 1st January, 1964.	Central Board of Direct Taxes.	The Income tax (Amendment) Rules, 1964.
2	S. O. 108, dated 1st January, 1964.	Do.	The Estate Duty (Amendment) Rules, 1964.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 30th December, 1963

S.O. 116.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/9/62, dated the 5th November, 1962, namely:—

In the table appended to the said notification, for the words "Additional Deputy Commissioner" wherever they occur, the words "Deputy Commissioner" shall be substituted

[No. 434/9/62.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF LAW

New Delhi, the 31st December 1963

S.O. 117.—In exercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints the Chief Engineer, Public Works Department, Uttar Pradesh, as the person by whom the plaint and other documents in the suit to be instituted in Court of competent jurisdiction by the Central Government against Sri Ram Chander of Munshiganj Bazar, Tahsil Handia, District Allahabad, in respect of encroachment on National Highway No. 2 at Handia district Allahabad shall be signed and further appoints the said Chief Engineer as the person who, being acquainted with the facts of the case, shall verify such plaint and other documents.

[No. F. 16(1)/60-J.]

(Department of Legal Affairs)

New Delhi, the 6th January 1964

S.O. 118.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution and in supersession of the notification of the Government of India in the Ministry of Law No. S.O. 3, dated the 23rd December, 1963, published in the Gazette of India, Part II, Section 3—sub-section (ii), dated the 4th January, 1964, the President hereby directs that the undermentioned (i) interim agreement and (ii) contract made in the exercise of the executive power of the Union be executed on his behalf either by Dr. H. J. Bhabha, Secretary to the Government of India, Department of Atomic Energy, or by Shri M. N. Chakravarti, Project Administrator, Tarapur Atomic Power Project, Department of Atomic Energy, or by both, namely:—

"The interim agreement and the contract between the President of India of the ONE PART and (1) General Electric Company, a corporation organised and existing under the laws of the State of New York, U.S.A. and having its principal place of business at 570 Lexington Avenue, New York, N.Y., U.S.A., and (2) International General

Electric Company (India) Private Limited, a company incorporated under the laws of India and having its registered office at Thackersey House, Graham Road, Bombay, India, of the OTHER PART, for the construction of the Tarapur Atomic Power Station, including a provision for the indemnification of General Electric Company U.S.A. and International General Electric Company (India) Private Limited and their Suppliers against liability for nuclear risks."

[No. F. 17(7)/63-J.]

H. C. DAGA, Jt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 31st December 1963

S.O. 119.—In pursuance of clause (2) of article 222, of the Constitution, the President hereby makes the following Order, namely:—

That Shri Justice Canakapalli Sanjeevarao Nayudu, who was transferred from the High Court of Andhra Pradesh to the High Court of Assam shall be entitled to receive, in addition to his salary, a compensatory allowance at the rate of three hundred and fifty rupees per mensem for the period of his service after the 5th October, 1963, as a Judge of the High Court of Assam and that of Assam and Nagaland.

[No. 9/2/63-Judl. I.]

M. G. PIMPUTKAR, Jt. Secy.

New Delhi, the 31st December 1963

S.O. 120.—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P. IV, dated the 13th July, 1962, [GSR No. 991, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 28th July, 1962], the Central Government is pleased to specify Her Highness Maharanisaheba (Junior) Chhatrapati Vijaymalasahaheba Dowager of Kolhapur, for the purpose of that entry and directs that the exemption shall be valid in respect of four rifles and four B.L. Guns only.

[No. 16/21/63-P. IV.]

M. SIVAGNANAM, Dy. Secy.

New Delhi, the 2nd January 1964

S.O. 121.—In exercise of the powers conferred by article 318 of the Constitution, the President hereby makes the following regulations further to amend the Union Public Service Commission (Conditions of Service) Regulations, published with the late Home Department's notification No. F. 322/35-Ests, dated the 1st April, 1937, namely:—

1. These regulations may be called the Union Public Service Commission (Conditions of Service) Amendment Regulations, 1964.

2. In the Union Public Service Commission (Conditions of Service) Regulations, for regulation 4, the following regulation shall be substituted, namely:—

“4. The Chairman shall receive a pay of three thousand and five hundred rupees and each of the other Members shall receive a pay of three thousand rupees a month:

Provided that—

(i) an officer of the Indian Civil Service, or

(ii) an officer who, at the date of his appointment to the Commission, is in the service of the Government of India and is entitled under the rules applicable to him immediately before his appointment to receive pay at the pre-1931 rates,

shall receive, in addition, a personal pay of rupees five hundred a month on appointment to the Commission:

Provided further that in the case of an appointment as the Chairman or a Member of a person who has retired from service under the Government, a local body, a University or any other body wholly or substantially owned or controlled by the Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, contributory provident fund or

otherwise, the President may direct that the pay specified in this regulation shall be reduced by such amount not exceeding the pension (including any portion of the pension which may have been commuted) and the pension equivalent of other retirement benefits, if any, or, as the case may be, the pension equivalent of the employer's contribution to the contributory provident fund, interest on such contribution and other retirement benefits, if any".

[No. 19/3/63-Estt(B).]

K. THYAGARAJAN, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 3rd January 1964

S.O. 122.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oath & Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri J. N. Bhat, Press Attaché in the Consulate General of India, San Francisco, to perform the duties of a Consul with immediate effect.

[No. T.4330/3/63.]

S. K. CHATTERJEE, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 23rd December 1963

S.O. 123.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957 the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Expenditure) No. S.R.O. 639, dated the 28th February, 1957, namely:—

In the Schedule to the said notification, in Part III—General Central Services, Class IV, under the heading 'All Accounts and Audit Offices subordinate to the Comptroller and Auditor General (including head offices and branch offices) against the item (i), *Civil and Posts and Telegraphs Audit Offices*—

- (i) in column (2), for the words "Deputy Director of Audit, Posts and Telegraphs", the following shall be substituted, namely:—
"Deputy Director of Audit and Accounts, Posts and Telegraphs".
- (ii) in column 5, after the entry "Director of Audit and Accounts, Posts and Telegraphs" the following entry shall be inserted, namely:—
"Deputy Director of Audit and Accounts, Posts and Telegraphs".

[No. F. 20(3)-E.G.I/62.]

R. K. AGRAWAL, Dy. Secy.

(Department of Expenditure)

New Delhi, the 30th December 1963

S.O. 124.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Ninth Amendment) Regulations, 1963.

2. In the Civil Service Regulations,—

- (i) in clause (d) of Article *913, the words and figures "duly verified by the Audit Officer under the provisions of Article 915," shall be omitted;

(ii) for Article 915, the following shall be substituted, namely:—

“915. Except as provided in Article 916, on receipt of the formal application in Form 30, the Head of the Office shall immediately prepare a statement of the applicant's service in the second page of Form 25 in accordance with the instructions embodied in Form 26 and thereafter proceed as follows:—

- (a) He shall go through the service book and the service roll, if any, and satisfy himself whether the annual certificates of verification for the entire service are recorded therein. In respect of the unverified portion or portions of service, he shall arrange to verify it or them, as the case may be, with reference to pay bills, acquittance rolls or other relevant records and record the necessary certificates in the service book or service roll, as the case may be.
- (b) If the service for any period is not capable of being verified in the manner specified in clause (a), that period of service having been rendered by the officer in another office or department, a reference shall be made to the head of that office or, as the case may be, of the department in which the officer is shown to have served during that period for the purposes of verification.
- (c) If any portion of service rendered by an officer is not capable of being verified in the manner specified in clauses (a) and (b), the officer shall file an affidavit in plain paper stating that he had in fact rendered that period of service and shall also furnish all relevant details and evidence in support of that. The authority competent to sanction pension of that officer shall admit that portion of service after taking into consideration the statements in the affidavit and the evidence produced by that officer in support of the same, if that authority is satisfied that the officer had really rendered that portion of service.”;

(iii) in Article 917,—

(a) in sub-clause (iii) of clause (a), for the words, brackets and figures “sub-clause (iv) of clause (a) of Article 915”, the following shall be substituted, namely:—

“clause (c) of Article 915”;

(b) in clause (b), for the words “the officer's service book, or service roll, as the case may be,” the following shall be substituted, namely:—

“the officer's service book and the service roll, if any.”;

(iv) in Form 26, under the heading “Instructions” in item 49, for the word, brackets, letter and figures “Articles 915(a) (iv)”, the following word, figures and brackets shall be substituted, namely:—

“Article 915(c)”;

(v) in @Appendix 1, in Part III, item No. 40 shall be omitted.

*This Article was last amended *vide* Ministry of Finance Notification No. F. 24(66)-EV/60 dated the 12th April, 1962, published as S.O. No. 1216, dated the 28th April, 1962.

£ This Article was last amended *vide* Ministry of Finance Notification No. F. 17(4)-EV(C)/61, dated the 30th June, 1961, published as S.O. No. 1611, dated the 15th July, 1961.

@ This Appendix was last amended *vide* Ministry of Finance Notification No. F. 24(45)-EV/60, dated the 19th May, 1961, published as S.O. No. 1228, dated the 3rd June, 1961.

[No. F. 18(4)-EV(C)/63.]

C. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 2nd January 1964

S.O. 125.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Catholic Oriental Bank Ltd., Aranattukara,

in respect of the undenoted properties held by it in Kerala State, till the 31st March, 1964.

Name of the Village:	Survey No.	Measurement
1. Aramattukara	302 179 189/1 189/2 186/1 190/2	1 acre and 78 cents 50 ,, 26 ,, 66 ,, 45 ,, 2 acres and 20 ,, 5 acres and 85 ,,
2. Kanimangalam	624/3	3 acres
3. Chiyaram	353/2 & 3	1 acre and 4 cents

[No. F. 15(18)-BC/63.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)
New Delhi, the 4th January 1964

S.O. 126—Statement of the Affairs of the Reserve Bank of India, as on the 20th December 1963
BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	16,13,22,000
Reserve Fund	80,00,00,000	Rupee Coin	3,13,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	Small Coin	2,42,000
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	26,91,13,000
(i) Central Government	49,70,52,000	(ii) State Co-operative Banks	9,04,81,000
(ii) State Governments	8,92,96,000	(iii) Central Land Mortgage Banks	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	3,55,31,000
(i) Scheduled Banks	83,76,76,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks	1,91,64,000	Loans and Advances to State Co-operative Banks	..
(iii) Other Banks	3,91,000	Bills purchased and Discounted :—	
(c) Others	170,48,22,000	(a) Internal	..
Bills Payable	34,86,33,000	(b) External	..
Other Liabilities	41,66,12,000	(c) Government Treasury Bills	68,79,11,000
		Balances Held Abroad*	9,74,98,000
		Loans and Advances to Governments**	42,18,55,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	6,97,25,000
		(ii) State Co-operative Banks††	131,67,11,000
		(iii) Others	1,81,80,000
		Investments	213,38,90,000
		Other Assets	27,08,74,000
Rupees	557,36,46,000	Rupees	557,36,46,000

* Includes Cash and Short-term Securities.

** Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 2,04,00,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 24th day of December, 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 20th day of December, 1963

ISSUE DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Notes held in the Banking Department		Gold Coin and Bullion :—	
Notes in circulation	16,13,22,000 2335,75,46,000	(a) Held in India	117,76,70,000
Total Notes issued	2351,88,68,000	(b) Held outside India	..
TOTAL LIABILITIES	2351,88,68,000	Foreign Securities	97,45,6,000
		TOTAL	215,21,79,000
Dated the 24th day of December 1963.		Rupee Coin	117,35,87,000
		Government of India Rupee Securities	2019,31,02,000
		Internal Bills of Exchange and other Commercial paper	..
		TOTAL ASSETS	2351,88,68,000

P. C. BHATTACHARYYA,
Governor.

[No. F. 1(2)-BC/63.]

S.O. 127.—Statement of the Affairs of the Reserve Bank of India, as on the 27th December, 1963.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	22,46,43,000
Reserve Fund	80,00,00,000	Rupee Coin	3,31,000
		Small Coin	2,66,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	(a) Loans and Advances to :—	
		(i) State Governments	26,91,13,000
		(ii) State Co-operative Banks	8,99,85,000
		(iii) Central Land Mortgage Banks	
		(b) Investment in Central Land Mortgage Bank Debentures	3,55,31,000
Deposits :—		National Agricultural Credit (Stabilisation) Fund	
(a) Government		Loans and Advances to State Co-operative Banks	
(i) Central Government	56,56,36,000	Bills purchased and Discounted :—	
(ii) State Governments	8,11,27,000	(a) Internal	
(b) Banks		(b) External	
(i) Scheduled Banks	80,95,37,000	(c) Government Treasury Bills	72,87,15,000
(ii) State Co-operative Banks	2,79,87,000	Balances held Abroad*	8,11,05,000
(iii) Other Banks	5,00,000	Loans and Advances to Governments**	40,28,19,000
(c) Others	165,15,67,000	Loans and Advances to :—	
Bills Payable	35,53,28,000	(i) Scheduled Banks†	8,08,40,000
Other Liabilities	41,01,63,000	(ii) State Co-operative Banks††	133,09,07,000
		(iii) Others	2,21,50,000
		Investments	201,76,84,000
		Other Assets	27,77,56,000
Rupees	556,18,45,000	Rupees	556,18,45,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 3,16,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated, the 2nd day of January, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of December, 1963.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	22,46,43,000		Gold Coin and Bullion :—		
Notes in circulation	2339,71,90,000		(a) Held in India	117,76,10,000	
Total Notes issued	2362,18,33,000		(b) Held outside India	..	
			Foreign Securities	97,45,69,000	
				—	
			TOTAL	215,21,79,000	
			Rupee Coin	117,65,52,000	
			Government of India Rupee Securities	2029,31,02,000	
			Internal Bills of Exchange and other commercial paper	..	
	—	—		—	
TOTAL LIABILITIES	2362,18,33,000		TOTAL ASSETS	2362,18,33,000	

Dated, the 2nd day of January, 1964

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BG 63]

R. K. SESHADRI, Director
(Banking and Insurance)

(Department of Revenue)

(Company Law Division)

(CHARTERED ACCOUNTS)

New Delhi, the 31st December, 1963.

S.O. 128.—In pursuance of clause (5) of Regulation 2 of the Chartered Accountants Regulations, 1949, the Central Government hereby recognises the University of Munich for the purposes of the said clause and directs that the following amendment be made in the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. 62(43)ICL(A)/50, dated the 4th April, 1951, namely:—

In the said notification, after the entry "The Dacca University", the following shall be inserted, namely:—

"University in West Germany.

The University of Munich."

[No. 7/36, 63-IGC.]

T. S. MENON, Under Secy.

CENTRAL BOARD OF DIRECT TAXES**INCOME -TAX***New Delhi, the 6th January 1964*

S.O. 129.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range 1	Income-Tax Circle, Wards and Districts 2
A-Range, Bombay.	<ol style="list-style-type: none"> Companies Circle II. A-IV, Ward. Bombay Refund Circle.
B-Range Bombay.	<ol style="list-style-type: none"> Companies Circle I. Salaries Branch I. Salaries Branch II.
C-Range, Bombay.	<ol style="list-style-type: none"> Companies Circle III(6). Bombay Circle. C-II, Ward. Foreign Section. Special Investigation Branch. Evacuee Circle I. Non residents Refund Circle.
D-Range, Bombay.	<ol style="list-style-type: none"> Companies Circle IV. A-III, Ward.
E-Range, Bombay.	<ol style="list-style-type: none"> Market Ward. A-I, Ward.
F-Range, Bombay.	<ol style="list-style-type: none"> D-I, Ward. D-II, Ward. B-I, Ward. B-II, Ward.

Range	Income-Tax Circle, Wards and Districts
1	2
G-Range, Bombay	1. C-III, Ward. 2. A-V Ward.
H-Range, Bombay.	1. Bombay Suburban Distt. (East). 2. Bombay Suburban Distt. (West). 3. A-II, Ward.
J-Range, Bombay.	1. Companies Circle III [All Sections except Com. Circle III (6)]. 2. C-IV, Ward.
K-Range, Bombay.	1. G-Ward. 2. Evacucc Circle II. 3. B-III, Ward.
L-Range, Bombay.	1. C-I, Ward. 2. E-Ward.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, Appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15th January, 1964.

Explanatory Note

The amendments have become necessary on account of the re-organisation of the Appellate Ranges in the Commissioner's charge.

(This note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 1(F. No. 50/5/63-IT).]

S. DWIVEDI, Under Secy.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS

Madras, the 19th December 1963

S.O. 130.—In exercise of the powers conferred by section 8 read with sub-section 3 of Section 160 of the Customs Act, 1962 (52 of 1962) the Collector hereby makes the following further amendment in the Central Board of Revenue Notification No. 27-Customs dated the 12th July, 1950, as amended by Board's Notification No. 39-Customs dated the 29th April, 1950, namely:—

In the schedule annexed to the said Notification, in the entries relating to the port of Cuddalore, wharf No. 3 introduced by the Central Board of Revenue Notification No. 102-Customs dated the 9th September, 1961, shall be renumbered as wharf No. 5.

[No. C. VIII/48/128/61 Cus.]

A. K. ROY,
Collector.

CENTRAL EXCISE COLLECTORATE, BARODA

V—TOBACCO

Baroda, the 30th December 1963

S.O. 131—In exercise of the powers conferred upon me under Rules 15 and 16 of the Central Excise Rules, 1944, read with Rule 233 *ibid*, I hereby notify in furtherance of this Collectorate Central Excise Notification No. 2/1958 dated 15-3-58 and Central Excise (Tobacco) Notification No. 2/59 dated 24-6-59, that no declaration will be necessary under the said Rules 15 and 16 respectively in respect of unmanufactured tobacco grown in areas not exceeding 5 acres and cured in quantities not exceeding 20 kilograms in the villages shown in Col. No. 6 of the table set out below:

Sl. No.	Name of the CE Division	Name of the CE Circle	Name of the Revenue District	Name of the Taluka	Names of the revenue villages exempted under Rules 15 and 16
1	2	3	4	5	6
1	Baroda	.	..	Panchmahal Godhra	1. Kabirpur 2. Dhanol Moti 3. Dhanol Mani 4. Hamirpur 5. Karanpura 6. Akadia 7. Bhalodia 8. Bhima 9. Gavachi. 10. Goli 11. Gothda 12. Gusur 13. Ichchapagina-Mavda 14. Karsana 15. Pipalia 16. Padhitar 17. Relia 18. Jhalia 19. Veganpur 20. Velvad 21. Vinzol 22. Khanper 23. Suliat 24. Navagam 25. Bhandoi 26. Bilvania 27. Vandeli 28. Nasirpur 29. Pathanpur 30. Bhuvad 31. Haradia 32. Ratanpur 33. Khatwa 34. Venada 35. Ganesh Mavadi 36. Sagwada 37. Viranja 38. Mora 39. Alue 40. Metral 41. Batha 42. Chopada 43. Parabia 44. Chandpur 45. Khudra 46. Kuvagar 47. Vejama 48. Materia

1

2

3

4

5

6

49. Mojdi
 50. Dangaria
 51. Balukedi
 52. Morwa
 53. Kasanpur
 54. Rampur
 55. Naglod
 56. Kalod
 57. Kadadra
 58. Mekhar
 59. Gajipur
 60. Agarwada
 61. Rajayata
 62. Tajpuri
 63. Vanselia
 64. Vadodar
 65. Natapur
 66. Mataria Wadi
 67. Rasulpur
 68. Popatpura
 69. Vinakpur
 70. Motel
 71. Achchla
 72. Angolia
 73. Bamroli
 74. Bellia
 75. Bhamaiya
 76. Bodidra
 77. Chanchelav
 78. Chanchopra
 79. Chharia
 80. Chhavad
 81. Chilkodra
 82. Chandudi
 83. Chhabanpur
 84. Erandi
 85. Gadh
 86. Gadakpur
 87. Gotavi
 88. Govindi.
 89. Kalia Kuva
 90. Kalia Vav
 91. Kanjia
 92. Kankuthambhla
 93. Kevadia
 94. Khajuri (Sanpa)
 95. Kotada
 96. Ladpur
 97. Likesarao
 98. Mahulia
 99. Moryo
 100. Orwada
 101. Pipalia (Dhari)
 102. Rin hchia
 103. Sankali
 104. Sanpa
 105. Saranpur
 106. Sejal
 107. Tajpuri
 108. Thava
 109. Vadelav
 110. Vansia
 111. Vavdi (B.K.)
 112. Vavdi (K.H.)

		113. Hamana
		114. Valaiya
		115. Chopda (B.K.)
		116. Deloch
		117. Saliya
		118. Khabda
		119. Darupiia
		120. Dayal
		121. Dholi
		122. Pandva
		123. Samli
		124. Tarwadi
Panchmahal	Shera Taluka	<ol style="list-style-type: none"> 1. Dharapur 2. Limbodra 3. Nardana 4. Bhurkal 5. Rena 6. Tarsang 7. Hanelav 8. Khandia 9. Demli 10. Morwa 11. Gandhpur
„	Lunawada Taluka	<ol style="list-style-type: none"> 1. Panampalala 2. Nalnaruwada 3. Iladed 4. Joshina-Muwada 5. Joshina Muwada 6. Chavdina Muwada 7. Dalvai Savli 8. Panch Muwada 9. Martha Chawdi-Muwada

[No. 2/1963]

D. R. KOHLI,
Collector.

MINISTRY OF INDUSTRY

ORDERS

New Delhi, the 1st January, 1964

S.O. 132/IDRA/6/5.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4, and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), in place of members appointed under the Government of India, late Ministry of Commerce and Industry Order No. S.O. 2276 dated the 11th September, 1961, as amended from time to time, whose tenure of office has expired by efflux of time or otherwise:—

DEVELOPMENT COUNCIL FOR HEAVY ELECTRICAL INDUSTRIES:

1. Shri Ravi L. Kirloskar, M/s. Kirloskar Electric Co. Ltd., Post Box No. 1017,
Bangalore-3.—Chairman.

2. Shri K. B. Mathur, Chairman, Heavy Electricals Ltd., L. I. C. Building, 5, Parliament Street, New Delhi.
3. Shri V. G. G. Nayar, M/s. Aluminium Industries Ltd., Kundara, (Kerala State).
4. Shri P. R. Deshpande, M/s. Crompton Parkinson (Works) Pvt. Ltd., Haines Road, Worli, Bombay-3.
5. Shri N. B. Amin, Director, M/s. Jyoti Ltd., Baroda-3.
6. Shri N. G. Ayyangar, Director, M/s. Mysore Electrical Industries, New Mysore Road, Bangalore.
7. Shri K. Eswaran, Managing Director, M/s. Easun Engineering Co., Madras.
8. Shri G. H. Swatek, M/s. Siemens Engineering & Manufacturing Co. of India Ltd., Stadium House, Veer Nariman Road, G.P.O. Box No. 490, Bombay-1.
9. Shri D. D. Desai, M/s. Hindustan Electric Co., 20, Graham Road, Ballard Estate, Bombay-1.
10. Shri S. R. C. Poti, Technical & Commercial Manager, Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra State).
11. Shri L. P. Shah, M/s. Electric Construction & Equipment Co. Ltd., 9, Kali-prasanna Singhee Road, Calcutta-2.
12. Shri K. C. Maitra, M/s. Sankey Electrical Stampings Pvt. Ltd., Post Box No. 121-A, Bombay.
13. Shri P. S. Shavakaha, M/s. Indian Cable Co. Ltd., 9, Hare Street, Calcutta-1.
14. Shri Y. S. Venkateswaran, Deputy Director (Electro-technical), Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi.
15. Shri S. Balakrishna, National Council of Applied Economic Research, Parisila Bhavan, 11, Indraprastha Estate, New Delhi-1.
16. Shri J. P. Mehrotra, Indian Investment Centre, Parliament Street, New Delhi.
17. Shri N. K. Bhojwani, Executive Director, National Productivity Council, 38, Golf Links, New Delhi.
18. Shri K. N. Ramaswamy, Development Officer, Dte. General of Technical Development, New Delhi.
19. Shri K. P. S. Nair, Member, Central Water and Power Commission, Bikaner House, Shahjahan Road, New Delhi.
20. Shri S. T. Thadani, Additional Director General of Supplies & Disposals, L. I. C. Building, Parliament Street, New Delhi.
21. Shri V. P. Appadurai, Chairman, Madras State Electricity Board, 157, Mount Road, Madras-2.
22. Shri K. Mathen, Chief Engineer, B.E.S. & T. Undertaking, Bombay.
23. Shri K. M. Chinnappa, Chief Engineer, M/s. Tata Hydro Elec. Co. Ltd., Bruce Street, Fort, Bombay.
24. Shri H. L. Singh, Deputy Secretary, Ministry of Steel, Mines and Heavy Engineering, (Deptt. of Heavy Engineering), New Delhi.
25. Shri K. J. George, Deputy Secretary, Ministry of Industry, New Delhi.

2. Dr. Vakil Ahmed, Development Officer, Directorate General of Technical Development, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. 1(12)/L.Pr./63.]

S.O. 133/IDRA/6/9.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 18th July, 1965, Sarvashri J. C. Kapur and S. Balakrishna, to be members of the Development Council established by the Order of the Government of India in the late Ministry of Commerce and Industry No. S.O. 2077, dated the 19th July, 1963, for the scheduled industries engaged in the manufacture or production of internal combustion engines, power driven

pumps, air compressors and blowers and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 28 relating to Shri Manohar Govind Gulanwani, the following entries shall be inserted, namely:—

29. Shri J. C. Kapur, M/s. Air Conditioning Corporation of India, Calcutta.

30. Shri S. Balakrishna, National Council of Applied Economic Research, Parishila Bhavan, 11, Indraprastha Estate, New Delhi-1.

[No. 1(8)/L. Pr./63.]

S.O. 134/IDRA/6/4.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), read with rules 5(1) and 8 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints, till the 18th August, 1965, Shri P. M. Nayak, to be a member of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 2378, dated the 19th August, 1963, for the scheduled industries engaged in the manufacture or production of Machine Tools and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for entry No. 21 relating to Shri R. V. Subrahmanian, the following entry shall be substituted, namely:—

21. Shri P. M. Nayak, Joint Secretary, Ministry, of Industry, New Delhi.

[No. 1(9)/L. Pr./63.]

S. P KRISHNAMURTHY, Under Secy.

(Indian Standards Institution)

New Delhi, the 31st December 1963

S. O. 135.—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) notification published under S.O. 1505 dated the 27th April 1962 in the Gazette of India Part II, Section 3, Sub-Section (ii) dated the 19th May 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Ink, Drawing, Waterproof, Black, details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1 December 1963.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Ink, Drawing, Waterproof, Black.	IS:789-1955 Specification for Ink, Drawing, Waterproof, Black.	One litre	5 nP per unit with a minimum of Rs. 500.00 for production during a calendar year.

[No. MD/182]

S.O. 136.—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) notification published under S.O. 1892 dated 31 July 1961 in the Gazette of India Part II, Section 3, Sub-Section (ii) dated 12 August 1961, the Indian Standards Institution hereby notifies that the marking fee per unit for Bicycle Spokes (Plain) and Nipples for Spokes details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force from 1 January 1964.

THE SCHEUDLE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Bicycle Spokes (Plain) and Nipples for Spokes.	IS: 630-1961 Specification for Bicycle Spokes (Plain) and Nipples for Spokes (Revised).	100 Pieces	1.5 nP. per unit with a minimum of Rs. 1.500.00 for production during a calendar year.

[No. MD/18:2]

New Delhi, the 1st January 1964

S.O.137.—In pursuance of sub-regulation (3) of regulation 3A of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that it recognises the British Standard, the particulars of which are given in the Schedule hereto annexed, as an Indian Standard, designated as IS:2553, 1963 Specification for Safety Glass for Land Transport.

THE SCHEUDLE

Sl. No.	Number and Title of the Recognized Standard	Name and Address of the Organization which prepared and Established the Standard	Brief Particulars of the Recognized Standard	Remarks
(1)	(2)	(3)	(4)	(5)
1.	B.S.857:1954 Safety Class for Land Transport	British Standards Institution, British Standard House, 2 Park Street, London W.I.	This Standard specifies requirements and tests for flat and curved heat-treated and laminated safety glass for land transport, of thicknesses from 1/8 in. to 1/2 in. for heat-treated glass and from 5/32 in. to 3/8 in. for laminated glass. (Price Rs. 2.25)	This Institution has already circulated for comments draft Indian Standard Specification for Safety Glass [Doc : CDC 10 (1239)] and as soon as it is finalized and established as an Indian Standard, the recognition given to the British Standard in this Notification will be withdrawn.

Copies of this Standard are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadurshah Zafar Marg, New Delhi-1 and also its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Scoterkirk Street, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:2:1]

New Delhi, the 2nd January 1964

S.O. 138—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notify that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1 February, 1964.

THE SCHEDULE

S1. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1		Steel Wire Ropes for Haulage Pur- poses in Mines.	IS :1856-1961 Spe- cification for Steel Wire Ropes for Haulage purposes in Mines.	The monogram of the Indian Standards Insti- tution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number, designation of the Indian Standard being superscribed on the top side of the mono- gram as indicated in the design.

[No. MD/17 : 2]

S.O. 139.—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) notifications, particulars of which are given in column (2), the Indian Standards Institution hereby notifies that the marking fee per unit for various products, details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 5 December 1963.

THE SCHEDULE

Serial No.	Particulars of the earlier Notifications No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)	(6)
1	S.O. 2320 dated 16 September 1960, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 24 September 1960.	Bicycle Bottom Bracket Adjustable Cup.	IS : 1132-1958 Specification for Bicycle Bottom Bracket Adjustable Cup.	100 pieces	50 nP per unit with a minimum of Rs. 1000.00 for production during a calendar year.
2	S.O. 2607 dated 18 October 1960 published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 29 October 1960.	Bicycle Bottom Bracket Fixed Cup.	IS : 1133-1958 Specification for Bicycle Bottom Bracket Fixed Cup.	100 pieces	50 nP per unit with a minimum of Rs. 1000.00 for production during a calendar year.
3	S.O. 2320 dated 16 September 1960, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 24 September 1960.	Bicycle Bottom Bracket locking Nuts.	IS : 1134-1958 Specification for Bicycle Bottom Bracket Locking Nuts.	100 pieces	35 nP per unit with a minimum of Rs. 1000.00 for production during a calendar year.

[No. MD/18:2]

S.O.140.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for various products, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 February 1964.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Steel Wire Ropes For Winding and Haulage Purposes in Mines.	IS : 1855-1961 Specification for Steel Wire Ropes For Winding Purposes in Mines and IS : 1856-1961 Specification for Steel Wire Ropes For Haulage Purposes in Mines.	One Metric Tonne.	Rs. 1.50 per unit with a minimum of Rs. 2000.00 for production during a calendar year.

[No. MD/18:2]

S. K. SEN,
Head of the Certification Marks Department.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 30th December 1963

S.O. 141.—In exercise of the powers conferred by sub-section (1) of section 218 of the Merchant Shipping Act, 1958 (44 of 1958), read with rules 3 and 4 of the National Welfare Board for Seafarers Rules, 1963, the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Transport (Transport Wing), No. S.O. 3482, dated the 18th December, 1963, namely:—

In the said Notification, existing entry 40 shall be renumbered as entry 41 and before the entry as so renumbered, the following entry shall be inserted, namely:—

“40. Shri C. H. Bhabha,
C/o. The Central
Bank of India,
Mahatma Gandhi Road,
Bombay.”

Non-Official
Member.

[No. 6-MT(64)/62.]
D. S. NIM, Dy. Secy.

(Transport Wing)

PORTS

New Delhi, the 31st December 1963

S.O. 142.—In pursuance of sub-section (3) of Section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby publishes the following return received from the Secretary, Indian Merchants' Chamber, Bombay, namely:—

Return showing the name of the person elected by the Indian Merchants' Chamber in accordance with the provisions of section 13(2) of the Bombay Port Trust Act, 1879, to fill the vacancy caused by the resignation of Shri Bhawanji A. Khimji.

Date of Election	Name of person	Panel of commercial interest represented
12th December, 1963	Shri Madhusudan M. Amersey of Amersey & Sons, Feltham House, 10, Graham Road, Ballard Estate, Fort Bombay-I.	Export Trade section

[No. 8-PG(124)/63.]

R. RANGARAJAN, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 21st December 1963

S.O. 143.—The following draft of Grading and Marking Rules, 1963, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 20th January, 1964.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified, will be considered by the Central Government.

CUMIN SEEDS GRADING AND MARKING RULES, 1963

1. Short title and application.—(1) These rules may be called the Cumin Seeds Grading and Marking Rules, 1963.

(2) They shall apply to Cumin Seeds (*Cuminum cyminum L.*) produced in India.

2. Definitions.—In these rules,—

(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India.

(2) "Schedule" means a Schedule appended to these rules.

3. Grade Designation.—The grade designation to indicate the quality of cumin seeds shall be as set out in column 1 of Schedule II.

4. Definition of quality.—The quality indicated by the respective grade designations shall be as set out against each grade designation in columns 2 to 6 in the said Schedule.

5. Grade designation marks.—The grade designation mark shall consist of a label specifying the grade designation and bearing the design (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'Produce of India' and 'भारतीय उत्पाद') resembling the one as set out in Schedule I.

6. Methods of Marking.—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser and shall clearly show the following particulars:—

- (a) Grade designation.
- (b) Variety or trade name.
- (c) Net weight.
- (d) Date of packing.

(2) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent a quality or grade different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

7. Method of Packing.—(1) Only sound, clean and dry containers made of jute, cloth paper or polythene shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Each package shall contain cumin seeds of one grade designation only.

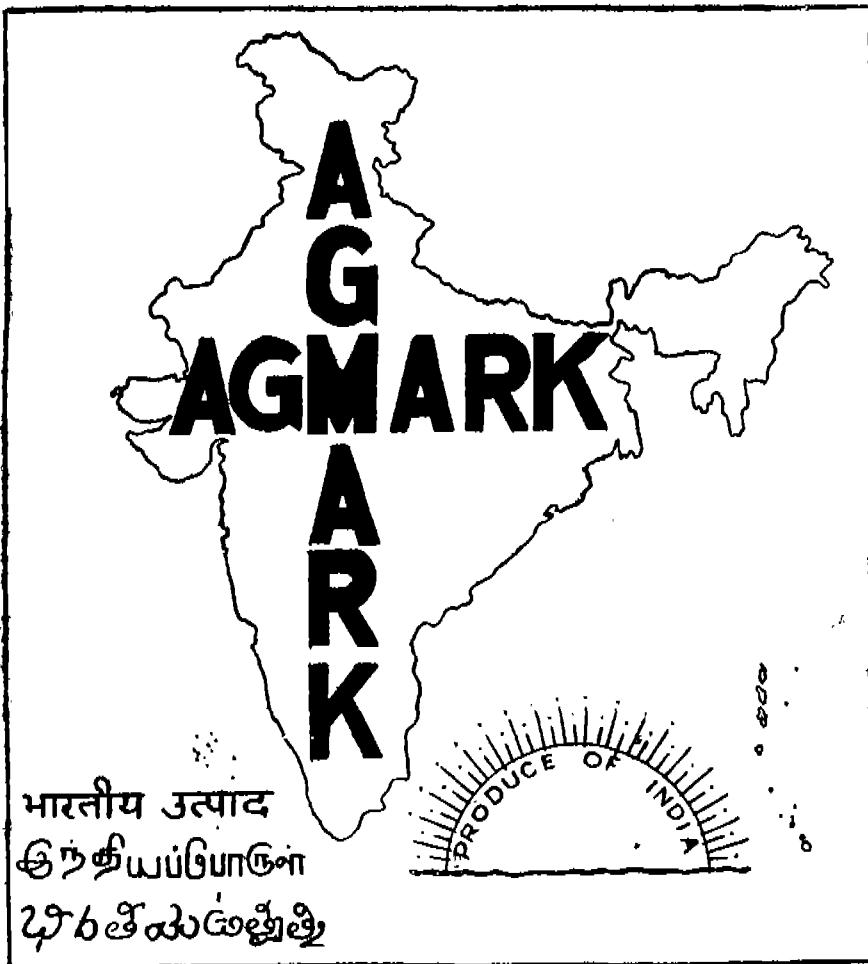
8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following special conditions shall be observed by packers to the satisfaction of the Agricultural Marketing Adviser:—

(1) An authorised packer shall make such arrangements for testing cumin seeds, as may be prescribed from time to time by the Agricultural Marketing Adviser.

(2) An authorised packer shall provide all facilities, as may be necessary, to the Inspecting Officers, duly authorised by the Agricultural Marketing Adviser in this behalf.

SCHEDULE I

(See rule 5)

Design for the grade designation mark

NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE II

(See Rules 3 and 4)

Grade Designations and Definition of Quality of Cumin Seeds:

Grade Designation	Special Characteristics					General Characteristics	
	Maximum limit of tolerance						
	Extraneous matter % by wt. max.	Other seeds % by wt. max.	Damaged, discoloured and weevilled seeds % by wt. max.	Shrivelled and immature seeds % by wt. maximum			
I	2	3	4	5	6		
Cumin Special . . .	2.0	1.0	2.0	1.5	(a) Cumin seeds shall be the dried fruits of the plant botanically known as <i>Cuminum cyminum L.</i>		
Cumin Good . . .	5.0	3.0	4.0	3.0	(b) It shall be free from visible mould or insect infestation and other harmful foreign matter.		
Cumin Fair . . .	7.0	5.0	6.0	4.0	(c) It shall be reasonably dry with moisture percentage not exceeding 10% and free from musty odour.		
					(d) It shall have the characteristics size, shape, colour, taste and aroma normal to the species.		

Extraneous matter : Includes dirt, dust, stone pieces, stalks, stem or straw or any other impurity.

Other seeds: Include seeds other than that of Cumin.

Damaged and Discoloured Seeds: Seeds that are internally damaged and discoloured, damage and discolouration materially affecting the quality.

Weevilled Seeds :—Seeds that are partially or wholly bored or eaten by weevil or other insects.

Shrivelled and Immature Seeds: Seeds that are not properly developed.

N.B.:—Adopted from IS. 2447-1963.

[No. F. 17-29-1/63-(ii)]

S.O. 144.—The following draft of Grading and Marketing Rules, 1963 which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 20th January, 1964.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified, will be considered by the Central Government.

CORIANDER GRADING AND MARKING RULES, 1963

1. Short title and application.—(1) These rules may be called the coriander Grading and Marking Rules, 1963.

(2) They shall apply to Coriander (*Coriandrum Sativum L.*) (Whole and Powder) produced in India.

2. Definitions.—In these rules,—

(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India.

(2) "Schedule" means a Schedule appended to these rules.

3. Grade designation.—(1) The grade designations to indicate the quality of Coriander shall be as set out in column 1 each of Schedules II and III.

4. Definition of quality.—The quality indicated by the respective grade designations shall be as set out against each grade designation in columns 2 to 7 in Schedule II and 2 to 5 in Schedule III.

5. Grade designation marks.—The grade designation mark shall consist of a label specifying the grade designation and bearing the design (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'Produce of India' and 'भारतीय उत्पाद' resembling the one as set out in Schedule I.

6. Methods of Marking.—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser and shall clearly show the following particulars:

(a) Grade designation.

(b) Variety or trade name in case of Coriander Whole only.

(c) Net weight.

(d) Date of packing.

(2) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent a quality or grade different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

7. Method of Packing.—(1) Only sound, clean and dry container made of jute, cloth, paper or polythene shall be used for packing coriander whole. Coriander powder shall be packed either in jute or cloth or paper bags or paper cartons with polythene lining of 300 gauge or in tin plate or glass containers or aluminium foil packs or cellophane bags. Tin plate container may be lined with 150 gauge polythene sheet. The containers shall be free from any insect infestation or fungus contamination and also from any undesirable smell.

(2) The containers shall be securely closed and sealed, in a manner approved by the Agricultural Marketing Adviser.

(3) Each package shall contain coriander of one grade designation only.

(4) Suitable number of small containers containing coriander of the same grade designation and from the same lot may be packed in wooden or cardboard cases.

8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the

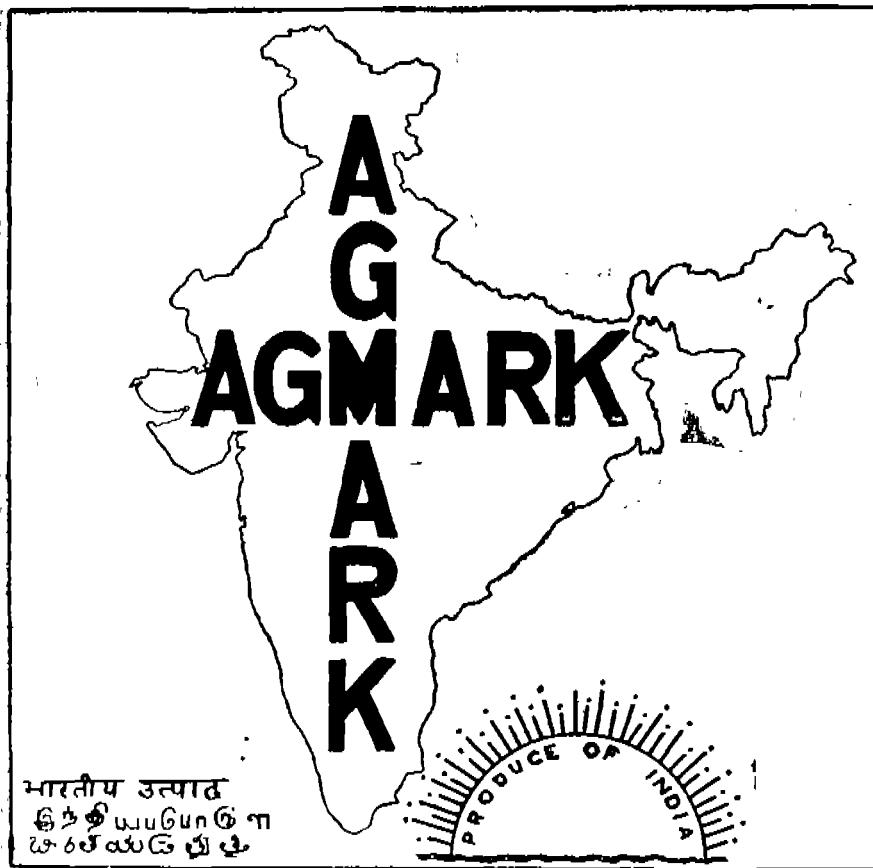
following special conditions shall be observed by packers to the satisfaction of Agricultural Marketing Adviser:

- (1) An authorised packer shall make such arrangements for testing coriander (whole and powder) as may be prescribed by the Agricultural Marketing Adviser and samples of coriander powder shall be forwarded to such Control Laboratories, as may be specified by him from time to time.
- (2) An authorised packer shall provide all facilities, as may be necessary, to the Inspecting Officers, duly authorised by the Agricultural Marketing Adviser in this behalf.

SCHEDULE I

(See rule 5)

Design for the grade designation mark.



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE II

(See rules 3 and 4)

Grade designation and definition of quality of Coriander whole (Dhania)

Grade designation	Special Characteristics						General Characteristics
	Maximum limits of tolerance						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Coriander Special . . .	2.0	4.0	1.0	1.0	2.0	Coriander whole shall:— be the dried mature fruits of the plant botanically known as <i>Coriandrum Sativum L.</i>	
Coriander Good . . .	4.0	10.0	2.0	2.0	4.0	be free from visible mould or insect infestation and other harmful foreign matter.	
Coriander Fair . . .	10.0	20.0	6.0	4.0	8.0	be reasonably dry with moisture percentage not exceeding 10% and free from musty odour. have the characteristic size, shape, taste, colour and aroma normal to the species.	

Extraneous matter: It includes dust, dirt, stones, lumps of earth, chaff, stalks, stem or straw and any other impurities (including other seeds).

Damaged, discoloured and weevilled fruits: Fruits or split fruits that are internally damaged or discoloured, damage and discolouration materially affecting the quality and also including fruits that are partially or wholly bored or eaten by weevil or other insects.

Shrivelled and immature fruits: Fruits that are not properly developed.

Split fruits: Fruits that have been split up longitudinally.

Fruits of other varieties of Coriander: Presence of fruits of Coriander variety/varieties other than the main variety will be treated as fruits of other varieties.

N.B.—Adopted from IS. 2443-1963.

SCHEDULE III

(See rules 3 and 4)

Grade designation and definition of quality of Coriander Powder.

Grade Designation	Definition of Quality				General Characteristics	
	Special Characteristics					
	Total Ash, percentage (by weight) maximum	Ash Insoluble in HCl. Percentage (by weight) Maximum	Moisture (percent by weight) maximum			
(1)	(2)	(3)	(4)		(5)	
Standard	7.0	1.5	10.0	Powdered coriander shall be the produce obtained by grinding pure, clean, dried fruits of the coriander plant (<i>Coriandrum sativum</i>) only and shall be free from any extraneous matter, added colouring matter and preservatives. It shall also be free from damage by insect pest and/or fungus contamination or mould growth and from any extraneous or undesirable odour or flavour. It should pass through a standard 500 micron sieve and nothing shall remain on the sieve.		

N.B.:—Adopted from I.S. 2444-1963.

[No. F. 17-29/63-A.M. (iii)]

New Delhi, the 1st January 1964

S.O. 145.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules to amend the Myrobalan Grading and Marking (Second Amendment) Rules, 1962, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Myrobalan Grading and Marking (Second Amendment) Rules, 1963.

2. In the Myrobalan Grading and Marking Rules, 1962—

(1) in Schedule I—

- (a) against item 1, in column (3), after the words "yellowish brown", the words "or yellowish red" shall be inserted;
- (b) against item 3, in column (3), after the words "brownish black", the words "dark brownish black" shall be substituted;

(2) in Schedule II—

(a) the mark "@" occurring in column (6) against items 1 and 2 and the footnote explaining that mark shall be omitted;

(b) against item 4, the following shall be inserted in column (6), namely:—

"Shall be made from whole nuts comprising 60 per cent J.I. whole nuts and 40 per cent J.II. of Schedule I."

[No. F. 17-2/63-AM.]

New Delhi, the 3rd January 1964

S.O. 146.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Service (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 634-A, dated the 28th February, 1957, namely:—

In the Schedule to the said notification,—

(i) in Part I—General Central Service, Class III, under the sub-heading "Directorate of Plant Protection, Quarantine & Storage", for the entries in columns 2, 3, 4 and 5 against the entry "All posts" in column 1 the following entries shall respectively be substituted, namely:—

2	3	4	5
"Chief Administrative Officer	Chief Administrative Officer	All	Plant Protection Adviser"
(ii) in Part II—General Central Service, Class IV, under the sub-heading "Directorate of Plant Protection, Quarantine and Storage, New Delhi", for the entries in columns 2, 3, 4 and 5 against the entry "All posts" in column 1 the following entries shall respectively be substituted, namely:—			

2	3	4	5
"Chief Administrative Officer	Chief Administrative Officer	All	Plant Protection Adviser."

[No. 2-5/63-P I.S.]

V. S. NIGAM, Under Secy.

MINISTRY OF INTERNATIONAL TRADE

New Delhi, the 7th January 1964

S.O. 147.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made

under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The West India Cotton Association Limited, Manekchowk, Ahmedabad, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of three years from the 28th January, 1964 upto the 27th January, 1967 both days inclusive, in respect of forward contracts in cotton.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(7)-Com(Genl) (FMC)/63.]

S.O. 148.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Pepper and Ginger Merchants' Association Limited, Bombay, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of three years ending the 18th January, 1967 in respect of forward contracts in pepper within the limits of Greater Bombay as defined in the Bombay General Clauses Act 1904 (Bombay Act I of 1904), as in force in the State of Maharashtra.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(17)-Com(Genl) (FMC)/62.]

M. L. GUPTA, Under Secy.

MINISTRY OF STEEL, MINES AND HEAVY ENGINEERING

(Department of Heavy Engineering)

ORDER

New Delhi, the 2nd January 1964

S.O. 149/IDRA/18G/64.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Cement Control Order, 1961, namely:—

1. This Order may be called the Cement Control (Amendment) Order, 1964.
2. In the Schedule to the Cement Control Order, 1961:—
 - (a) In the Table below paragraph (A) for the entry against Serial No. 13, the following entry shall be substituted, namely:—

Name of producer	Price Per metric tonne
"13. M/s. India Cements Ltd., Madras Talaiyuthu Works	Rs. 75.25
Sankaridurg Works	Rs. 77.75"

- (b) In the Table below paragraph (B) for the entry against Serial No. 13, the following entry shall be substituted, namely:—

Name of producer	Extra amount Per tonne	Limit of quantity (in tonnes)
"13. M/s. India Cements Ltd., Madras Talaiyuthu Works	Rs. 2.50	4,52,000 in the year ending 31st December, 1963"

(c) In the Table below paragraph (C) for the entry against Serial No. 1, the following entry shall be substituted, namely:—

Name of producer	Additional amount per metric tonne	Date from which the additional amount may be charged.
"1. M/s. India Cements Ltd., Madras. Talaiyuthu Works	Rs. 1 '51	1st June 1963."

[No. 8-26/63-Cem-II.]

P. R. NAYAK, Dy. Secy.

(Department of Mines and Metals)

New Delhi, the 4th January, 1964.

S.O. 150.—Whereas by the notification of the Government of India in the Late Ministry of Mines and Fuel S.O. No. 2505, dated the 26th August, 1963, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957), the Central Government gave notice of its intention to acquire certain lands and mining rights in the locality specified in the Schedule appended to that notification;

And whereas no objection was made to the acquisition of the lands and mining rights in the locality aforesaid;

And whereas the Central Government after consulting the State Government of Madhya Pradesh, is satisfied that—

(a) the lands measuring 5 '00 acres or 2 '02 hectares described in Schedule A appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1850 '00 acres or 749 '26 hectares described in Schedule 'B' appended hereto;

should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 5 '00 acres or 2 '02 hectares described in the said Schedule 'A' and the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 1850 '00 acres or 749 '26 hectares described in the said Schedule 'B' are hereby acquired.

The plan of the area covered by this Notification may be inspected in the Office of the Collector, Bilaspur (M.P.) or in the Office of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the National Coal Development Corporation Ltd., (Revenue Section), "Darbhanga House", Ranchi.

(Drg. No. Rev/120/63)
Dated 7-11-63.

(Showing the lands as acquired)

SCHEDULE 'A'

KOSMANDA BLOCK

ALL RIGHTS
SUB-BLOCK 'A'

Sl. No.	Village	Tahsil	Khewat No.	Halka No.	District	Area	Remarks
1	Naraibad	Katghora	90	5	Bilaspur	5 '00	Part
			TOTAL AREA or	5 '00 acres (Approx.) 2 '02 2 '02 hectares (Approx.)			

Boundary Description

AB line passes along the part common boundary of villages Naraibad and Mangaon.
 BC line passes through Plot No. 15 in village Naraibad.
 CD line passes through Plot No. 15 in village Naraibad.
 DA line passes along the part Eastern boundary of Plot No. 14 in village Naraibad and meets at point A.

SCHEDULE 'B'

Drg. No. Rev/120/63

KOSMANDA--BLOCK^W Dated 7-11-63.

(Showing lands where rights to mine, quarry, bore, dig and search for win, work and carry away minerals are acquired).

'MINING RIGHT'**SUB-BLOCK 'B'**

Sl. No.	Village	Tahsil	Khewat No.	Halkat No.	District	Area	Remarks.
1.	Binjhri	Katghora	7	6	Bilaspur		Part
2.	Kosmanda	"	28	7	"		"
3.	Mangaon	"	26	7	"		"
4.	Bhathera	"	29	5	"		"
5.	Naraibad	"	90	5	"		"

Total Area : 1850.02 acres (Approx) or
749.26 hectares (Approx)*Plot Nos. acquired in village Binjhri.*

21(P), 22(P), 29(P), 30(P), 31(P), 32(P), 34(P), 59(P), 61, 62, 63(P), 64(P), 65, 66, 67(P), 68(P), 69(P), 85(P), 116(P), 117(P), 118, 119(P), 120 to 145, 146(P), 147 to 150, 151(P), 152(P), 153(P), 154(P), 155(P), 156(P), 166(P), 167(P), 168(P), 169 to 258, 259(P), 260 to 289, 290(P), 291(P), 922(P), 293 to 306, 307(P), 308(P), 325(P), 358(P), 36c(P), 362(P), 363 to 366, 367-377, 378(P), 369(P), 379(P), 380, 381, 382(P), 416(P), 428(P), 430 to 437, 438(P), 439(P), 444(P), 445, 446(P), 448(P), 449(P), 450, 451, 452(P), 453 to 460, 461(P), 462 to 512, 513(P), 514(P), 515(P), 516(P), 517(P), 518(P), 558(P), 559 to 562, 563(P), 567(P).

Plot Nos. acquired in village Kosmanda

148(P), 149(P), 150(P), 158(P), 162(P), 163, 164(P), 165(P), 180(P), 181(P), 182(P), 183, 184 185(P), 186 to 189, 190(P), 191(P), 192(P), 194(P), 203(P), 205(P), 206 to 216, 217(P), 218(P), 222(P), 232(P), 233(P), 234(P), 235, 236, 237/1, 237(2)-239(P), 238, 240(P), 241, 329, 330/1, 330/2, 331/1, 331/2, 332 to 334, 335/1, 335/2, 336 to 345, 346/1, 346/2, 346/3, 347 to 363, 364-394, 365 to 380, 381/1, 381/2, 382 to 392, 393/1, 393/2, 395 to 437, 438/1, 438/2, 439 to 456, 457/1, 457/2, 458 to 463, 464/1, 464/2, 465 to 472, 473/1, 473/2, 474 to 480, 481(P), 482(P), 487(P), 488(P), 489/1(P), 489/2, 490, 491(P), 492, 493(P), 505(P), 508(P), 509(P), 520(P), 521(P), 522(P), 523(P), 524 to 584, 585-586, 587 to 614, 615/1, 615/2, 615/3, 616, 651, 652(P), 653, 654, 655(P), 656(P), 657(P), 658(P), 659(P), 662(P), 663(P), 664(P), 665(P), 670(P), 671(P), 672(P), 673 to 683, 684(P), 690, 691/1(P), 691/2, 691/3 692 to 703, 704/1, 704/2, 70 to 734, 735/1, 735/2, 736 to 762, 763/1, 763/2, 764 to 783, 784(P), 792(P), 793, 794-795(P), 796 to 818, 819(P), 834/1(P), 838(P), 836(P), 837(P), 838 to 844, 845(P), 846 to 848, 849(P), 850(P), 851(P), 853(P), 854(P), 855 to 857, 858/1, 858/2, 859 to 877, 873/1, 873/2, 873/3 873/4, 874 to 896, 897/1, 897/2, 898, 899/1, 899/2, 900 to 908, 901/1, 909/2, 910 to 927, 928/1, 928/2, 928/3, 928/4, 929 to 940, 941/1, 941/2, 942 to 946, 947/1, 947/2, 948 to 1001, 1005, 1006(P), 1007(P).

Plot Nos. acquired in village Mangaon

289(P), 348(P), 360(P), 361(P), 362(P), 363(P), 365(P), 366(P), 367(P), 368(P), 381(P), 382(P), 383 to 386, 387(P), 388(P), 393(P), 394(P), 395 to 401, 402(P), 403(P), 404 to 410, 411(P), 412(P), 413 to 422, 423/1, 423/2, 424 to 433, 434/1, 434/2, 434/3, 434/4, 435 to 442, 443/1(P), 443/2(P).

Plot Nos. acquired in village Bhathera

1, 2(P), 3(P), 9(P), 11(P), 12 to 16, 17/1, 17/2, 18 to 21, 22(P), 23(P), 24(P), 25, 26(P), 27(P), 29(P), 30, 31, 32, 33(P), 34(P), 40(P), 116(P), 259(P), 260(P), 261(P), 262 to 271, 272(P), 273(P),

276(P), 277(P), 289(P), 290 to 295, 296/1, 296/2, 297/1, 297/2, 298 to 304, 305(P), 307(P) 374(P), 375(P), 378/1(P), 378/2(P), 379 to 392, 393(P), 394(P), 396(P), 414(P), 415, 416(P).

Plot Nos. acquired in village Naraibad

1 to 7, 8/1, 8/2, 8/3, 9 to 14, 15(P), 16 to 51, 52(P), 53(P), 54 to 57, 58(P), 62(P), 63 to 74, 78(P), 79 to 109, 110(P), 111(P), 112(P), 114(P), 118(P), 119(P), 120 to 123, 124/1, 124/2, 125 to 143, 144(P), 145(P), 146, 147(P), 172(P), 221(P), 222, 399(P), 411/1(P), 411/2(P), 412(P), 413, 414, 415, 416, 417(P), 423(P), 424(P).

Boundary Description.

AB line passes through Plot Nos. 29, 30, 31, 22, 63, 21, 64, 69, 85, 68, 67, 119, 117, 316, 259, 307, 308, 325, 360, 292, 291, 290, 362, 369, 367, 377-378, 379, 382, 358, 461, 428, 438, 439, 444, 416, of village Binjhri and meeting at point 'B'.

BC line passes through Plot Nos. 416, 446, 448, 449, 452, 518, 517, 516, 515, 514, 513, 558, 563, along southern boundary of Plot No. 502, through Plot No. 567 of village Binjhri through plot Nos. 481, 482, 489/1, 488, 487, again 489/1, 493, 491, 505, 508, 509, 522, 523, 521, 520, 784, 792, 794-795, 819, 835, 836, 837, 845, 834/1, 850, 849, 854, 851, 853 of village Kosmunda, through Plot Nos. 2, 3, 11, 9, 34, 33, 29, 27, 26, 24, 23, 40, 22, 116, 261, 260, 259, 272, 276, 275, 277, 289, 305, 307, 305, 374, 375, 378/2, 378/1, 393, 396, 394 and 414 of village Bhathera and meeting at point 'C'.

CD line passes through Plot Nos. 414, 416, of village Bhathera, through Plot Nos. 221, 144, 145, 147, 118, 119, 114, 112, 111, 110, 78, 172, 62, 58, 53, 52, 399, 411/2, 411/1, 412, 423, 424, 423, 417 of village Naraibad then along part Eastern boundary of village Mangaon and meeting at point 'D'.

DE line passes through Plot Nos. 443/1, 289, 443/1, 443/2, 443/1, 393, 394, 388, 387, 381, 382, 402, 368, 367, 403, 367, 365, 366, 363, 362, 360, 361, 411, 412, 348 of village Mangaon and meeting at point 'E'.

EF line passes along the part common boundary of villages Ghatmuda and Mangaon and meeting at point 'F'.

FG line passes along the part common boundary of villages Ghatmuda and Naraibad and meeting at point 'G'.

GA line passes through plot Nos. 691/1, 684, 671, 670, 672, 665, 664, 663, 662, 659, 658, 657, 655, 656, 652, 148, 149, 150, 158, 162, 164, 165, 182, 180, 181, 182, 183, 194, 190, 191, 192, 203, 205, 217, 218, 240, 1006, 237/2, 239, 222, 1007, 233, 234, 232, of village Kosmunda, through Plot Nos. 167, 166, 168, 146, 155, 154, 156, 153, 152, 151, 59, 33, 32, 34, 30, 29 of village Binjhri and meeting at point 'A'.

[No. C2-22(8)/60.]

ERRATA

New Delhi, the 3rd January, 1964.

S.O. 151.—In the notification of the Government of India in the late Ministry of Mines and Fuel, No. S.O. 3045, dated the 15th October, 1963, and published in the Gazette of India, dated the 26th October, 1963, Part II, Section 3, Sub-section (ii), at pages 3858, to 3860:—

at page—3859.

in line 20, for "58(P)", read "508(P)".

[No. C2-20(9)/61.]

S.O. 152.—In the notification of the Government of India in the late Ministry of Mines and Fuel, S.O. No. 2394, dated the 17th August, 1963, and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 24th August, 1963, at pages 2805 to 2807:—

1. at page 2806.

In the last line, for "and ends at" read "and ends at point 'A'".

2. at page—2807.

(i) in line 3, for "or" read "of".

(ii) in line 7, for "and ends at point 'D'" read "and ends at point 'C'".

[No. C2-20(35)/62.]

A. NABAR, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 3rd January, 1964.

S.O. 153.—Whereas by notifications of the Government of India in the Ministry of Mines and Fuel S.O. No. 2125, dated 5th August, 1963, and S.O. No. 2926, dated 3rd October, 1963, under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962, (30 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited, free from all encumbrances.

SCHEDULE

STATE	WEST BENGAL	DIST.	BURDWAN	TEHSIL/THANA	MEMARI
-------	-------------	-------	---------	--------------	--------

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Dadpur, J. L. 44	11	.03		497	.07
	12	.11		498	.03
	13	.13		1796	.09
	14	.07			
	104	.10			
	106	.21	Palsit J. L. 39	1595	.06
	120	.06		1596	.03
	121	.06		1597	.11
	122	.01		1598	.12
	427	.29		1599	.19
	429	.005		1600	.10
	432	.08		1606	.01
	433	.02		1607	.09
	434	.11		1610	.05
	440	.005		1611	.05
	441	.17		1613	.05
	442	.01		1614	.08
	443	.10		1615	.13
	444	.08		1620	.12
	445	.01		1621	.10
	448	.10		1622	.11
	449	.005		1625	.06
	450	.25		1726	.02
	451	.06		1627	.11
	479	.31		1628	.11
	480	.02		1629	.005
	488	.16		1632	.005
	489	.02		1633	.21
	494	.07		1634	.23
	495	.07		1635	.08

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
	1648	.01	Belut, J. L. 54	1321	.005
	1831	.22		1327	.04
	1834	.13		1328	.15
	1835	.01		1329	.08
	1841	.07		1330	.27
	1846	.12		1331	.04
	1847	.03		1346	.01
	1850	.17		1347	.11
	1851	.06		1351	.005
	1853	.05		1352	.16
	1854	.14		1353	.03
	1855	.005		1354	.08
				1372	.21
Bhaita, J. L. 40	1824	.19		1375	.23
	1825	.12		1376	.10
	1826	.09		1377	.17
	1827	.06		1378	.04
	1828	.09		1379	.03
	1846	.14		1382	.15
	1847	.08		2153	.005
				2154	.01
				2155	.20
Nabagram, J. L. 52	66	.02		2156	.005
	67	.19		2162	.14
	68	.13		2163	.12
	69	.01		2172	.15
	71	.06		2173	.10
	72	.09		2174	.10
	73	.23		2175	.10
	74	.05		2183	.07
	75	.09		2185	.02
	107	.11		2186	.02
	108	.005		2224	.02
	109	.29		2227	.01
	111	.06		2256	.02
	114	.06		2278	.04
	115	.10		2279	.08
	118	.24		2280	.02
	119	.005		2281	.07
	122	.16		2282	.01
	123	.19		2283	.09
	130	.01		2284	.06
	131	.01		2285	.11
	152	.03		2287	.12
	154	.01		2288	.01
	155	.07		2291	.06
	157	.08		2292	.05
	158	.13		2293	.11
	159	.005		2294	.08
	160	.03		2303	.12
	161	.17		2304	.13
	162	.13		2305	.05
	165	.01		2306	.04
	166	.07		2308	.005
	168	.12		2309	.12
	169	.03		2310	.04
	172	.19		2314	.13
	173	.02		2316	.13
	174	.02		2317	.11
	175	.08		2318	.12
	176	.05		2419	.06
	177	.03		2420	.08
	179	.02		2421	.06
	199	.005			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Be	L. 54—contd.		Nagorkona, J.L. 48—contd.	477	.06
	2422	.005		481	.17
	2423	.11		484	.02
	2425	.02		486	.06
	2426	.15		488	.19
	2436	.005		705	.005
Shahapur, J. L. 49	175	.005		730	.22
	177	.19		739	.02
	178	.07		740	.09
	180	.16		741	.12
	186	.05		742	.07
	187	.29		743	.07
	190	.09		744	.16
	191	.13		748	.03
	192	.07		750	.05
	201	.02		752	.05
	398	.01		753	.04
Ag rkona, J. L. 48	274	.01		754	.11
	277	.11		755	.01
	278	.15		756	.08
	279	.23		770	.01
	332	.02		771	.07
	341	.02		772	.005
	342	.10		773	.12
	343	.02		774	.01
	344	.005		775	.02
	345	.01		777	.08
	346	.08		778	.06
	347	.04		779	.06
	348	.03		781	.005
	350	.16		785	.02
	351	.08		1068	.01
	352	.01		1069	.16
	365	.005		1070	.27
	367	.06		1072	.02
	368	.06		1161	.01
	370	.06	Chan Chai, J. L. 46	3476	.005
	373	.10		3477	.05
	374	.005		3482	.03
	379	.11		3483	.01
	424	.005		3484	.18
	429	.005		3485	.005
	430	.05		3486	.05
	431	.08		3492	.02
	432	.005		3493	.05
	433	.05		3494	.09
	434	.07		3495	.12
	435	.05		3496	.06
	436	.01		3498	.03
	439	.01		3505	.02
	440	.09		3506	.02
	441	.005		3507	.03
	442	.13		3508	.27
	451	.02		3518	.005
	453	.15		3519	.27
	454	.14		3524	.01
	455	.01		3525	.11
	458	.005		3526	.05
	459	.06		3527	.005
	460	.03		3534	.06
	461	.10		3569	.01
	462	.02		3571	.05
	476	.01		3572	.12

Village	Survey (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Chan Chai, J.L. 46— <i>contd.</i>	3573	.11	Chan Chai, J.L. 46— <i>contd.</i>	5481	.15
	3574	.01		5482	.11
	3575	.05		5485	.005
	3583	.07		5486	.40
	3587	.22		5487	.01
	3588	.02		5505	.09
	3606	.01		5507	.13
	3612	.10		5509	.09
	3613	.16		5510	.10
	3614	.005		5511	.11
	3617	.18	Deula, J.L. 137	231	.03
	3618	.01		232	.11
	3622	.04		233	.06
	3623	.07		234	.01
	3624	.02		235	.10
	3745	.15		1003	.09
	3746	.11		1004	.01
	5019	.01		1005	.05
	5021	.03		1008	.03
	5022	.06		1009	.10
	5023	.005		1010	.005
	5024	.10		1013	.005
	5025	.11		1015	.10
	5028	.11		1041	.13
	5030	.16		1042	.03
	5031	.05		1043	.17
	5032	.02		1044	.005
	5033	.09		1045	.02
	5034	.02		1193	.02
	5124	.11		1230	.29
	5125	.09		1231	.30
	5134	.14		1235	.03
	5135	.04		1236	.03
	5136	.21		1237	.05
	5138	.005		1238	.005
	5139	.11		1243	.11
	5140	.08		1244	.005
	5186	.01		1245	.09
	5191	.19		1246	.01
	5192	.17		1247	.01
	5193	.12		1248	.11
	5194	.09		1249	.08
	5195	.02		1250	.03
	5240	.07		1251	.005
	5244	.01		1253	.005
	5246	.11		1256	.02
	5247	.09		1257	.17
	5248	.11		1258	.10
	5250	.13		1259	.01
	5251	.09		1304	.15
	5252	.13		1305	.01
	5253	.15		1306	.09
	5255	.01		1307	.09
	5256	.08		1308	.005
	5257	.08		1521	.10
	5473	.005		1522	.01
	5474	.05		1523	.16
	5475	.11		1524	.07
	5476	.06		1525	.12
	5477	.01		1539	.60
	5480	.09		1542	.17

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Deula, J.K. 137— <i>contd</i>	1543	.14	Deula, J.L. A37— <i>contd</i>	2037	.09
	1544	.07		2068	.01
	1550	.03		2069	.06
	1553	.01		2071	.11
	1554	.07		2072	.06
	1636	.01		2075	.25
	1639	.01		2180	.005
	1639	.18		2185	.21
	1985	.02		2186	.05
	1990	.14		2187	.14
	1994	.18		2188	.10
	1995	.13		2189	.005
	1996	.02		2343	.02
	1998	.21		2344	.18
	1999	.13			
	2003	.06	Konyarpara, J.L. 41	114	.01
	2029	.12		115	.20
	2030	.19		116	.055
	2035	.01		117	.19
	2036	.005		851	.47

[No. 31/33/63-ONG.1]

ERRATUM

New Delhi, the 4th January 1964

S.O. 154.—In the Schedule to the notification of the Government of India, Ministry of Mines and Fuel S.O. No. 2126, dated 5th August 1963, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated 17th August 1963—

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 77 read “0.42” for “0.40”.

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 69 read “0.20” for “0.18”.

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 361 read “0.14” for “0.12”.

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 385 read “0.02” for “0.015”.

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 456 read “0.07” for “0.06”.

In village Baghnadih, Thana No. 490 (Thana Madhupur) against Survey No. 470 read “0.06” for “0.02”.

In village Nawadih, Thana No. 488 (Thana Madhupur) against Survey No. 702 read “0.03” for “0.02”.

In village Nawadih, Thana No. 488 (Thana Madhupur) against Survey No. 752 read “0.06” for “0.05”.

In village Nawadih, Thana No. 488 (Thana Madhupur) against Survey No. 761 read “0.09” for “0.08”.

In village Bhiti, Thana No. 508 (Thana Madhupur) against Survey No. 236 read “0.04” for “0.02”.

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 267 read “0.025” for “0.01”.

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 373 read “0.03” for “0.015”.

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 402 read “0.14” for “0.11”.

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 406 read "0.07" for "0.05".

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 408 read "0.04" for "0.03".

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 432 read "0.25" for "0.13".

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 403 read "0.06" for "0.05".

In village Kasaiya, Thana No. 533 (Thana Madhupur) against Survey No. 369 read "0.03" for "0.01".

In village Barjora Thana No. 534 (Thana Madhupur) against Survey No. 214 read "0.095" for "0.08".

In village Chaparia Thana No. 565 (Thana Madhupur) against Survey No. 211 read "0.235" for "0.225".

In village Chaparia Thana No. 565 (Thana Madhupur) against Survey No. 206 read "0.315" for "0.305".

In village Chaparia Thana No. 565 (Thana Madhupur) against Survey No. 364 read "0.285" for "0.215".

In village Tekra Thana No. 566 (Thana Madhupur) against Survey No. 2355 read "0.065" for "0.035".

In village Nayachak Thana No. 587 (Thana Madhupur) against Survey No. 99 read "0.015" for "0.005".

2. The Ministry of Mines and Fuel S.O. No. 3511, dated 9th December, 1963 is hereby cancelled.

[No. 31/47/63-ONG.]

B. SUBBA RAO, Under Secy.

MINISTRY OF WORKS, HOUSING & REHABILITATION

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 27th December 1963

S.O.155.—Whereas the Central Government is of opinion that it is necessary to acquire the evictee properties in the Union territory of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evictee properties (Specified in the Schedule below) :—

THE SCHEDULE

S. No.	Particulars of evictee property	Name of the town and locality in which the evictee is situated.	Name of evictee	Percentage of evictee
1	IX/986 2/3 (old)	Gali Andheri, Pahari Bhojla, Delhi.	Noor Ahmed.	Not known.
2	1638/1 (new) IX 986 1/3 (old)	Do.	Farid Ahmed.	Do.
	1638/ (new)			

[No. 13(2)/Comp. & Prop/61]
M. J. SRIVASTAVA,
Settlement Commission & Ex-Officio
Under Secy.

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)
ORDER.

New Delhi, the 31st December, 1963

S.O. 156.—In the Order issued in pursuance of rule 76-A, of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, *vide* Notification No. F. 15 (27) Policy-I/60 (Comp), dated the 16th January, 1961, for the words and figures "31st December, 1963," the words and figures "31st January, 1964," may be substituted.

[No. F. 15(27)Policy-I/60(Comp. & Prop.).]

N. P. DUBE, Jt. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 4th January 1964

S.O. 157.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendation of the Film Advisory Board, hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Oriya to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (4) of Section 5 of the Orissa Cinemas (Regulation) Act, 1954 (Orissa Act 2 of 1954).

THE SECOND SCHEDULE

Sl. No	Title of the film	Length 35 mm	Name of the applicant	Name of the producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
	1. Aamar Samasya	607'77m	Ghanashyam Mohapatra, Konark film (P) Ltd., Ranihat, Cuttack-1.		Film intended for educational purposes (for release in Orissa State only).

[No. 24/1/63-F(P)-App.887.]

S.O. 158.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Marathi to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the applicant	Name of the producer	Whether a scien- tific film or a film intended for educational purposes or a film dealing with news and current events or documentary film.
1	2	3	4	5	6
1	Desh Sevika	299 m	Films Officer, Directorate of Publicity, Government of Maharashtra, Bombay.	Films Officer, Directorate of Publicity, Government of Maharashtra, Bombay.	Film intended for educational purposes (for release in Maharashtra State only).
2	Bachat Chhoti- Madat Mothi	305.71m	Films Officer, Directorate of Publicity, Government of Maharashtra, Bombay.	Films Officer, Directorate of Publicity, Government of Maharashtra, Bombay.	Film intended for educational purposes (for release in Maharashtra State only).
3	Atha Hich Wa- jane.	413m	Do.	Do.	Do.

[No. 24/1/63-F(P)-App.888.]

S.O. 159.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendation of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the applicant	Name of the producer	Whether a scien- tific film or a film intended for educational pur- poses or a film dealing with news and cur- rent events or a documentary film.
1	2	3	4	5	6
1	Mahiti Chitra No. 39	225' 55m	Director of In- formation, Go- vernment of Gu- jerat, Ahmeda- bad.		Film dealing with news and current events (for release in Gujarat State only).

[No. 24/1/63-F(P)-App.889.]

D. R. KHANNA, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 31st December, 1963

S.O. 160.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bankola Colliery and their workmen, which was received by the Central Government on the 21st December, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference under Section 10(1)(d) of the Industrial Dis-
putes Act, 1947 (XIV of 47).

REFERENCE No. 24 of 1962

PARTIES:

Employers in relation to the Bankola Colliery

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers.—Shri K. C. Ray, Chief Personnel Officer, with Shri J. L. Sinha, Group Personnel Officer.

For the Workmen.—Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal.

Dhanbad, dated the 5th December, 1963.

AWARD

Ministry of Labour and Employment, Government of India, by its Order No. 2/219/61-LR-II, dated the 31st July, 1962, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to Bankola Colliery and their workmen in respect of the matter specified below for adjudication to this Tribunal:

“Whether the dismissal of Shri Kumar Jaswara, Ash Dusting Mazdoor, by the management of the Bankola Colliery was justified and if not, to what relief is he entitled?”

2. The management on 3rd September, 1962, filed its written statement in which it alleged that the present dispute was an individual dispute and therefore outside the purview of the Industrial Disputes Act, 1947; that the workman was dismissed after proper enquiry for being absent without leave from 8th May, 1961, to 20th July, 1961, without any permission or satisfactory cause after being charged under Standing Order No 27(16) of the Standing Orders; that the enquiry held was proper and it was held in the presence of the workman concerned and he was given full opportunity to cross-examine the witness for the management and also to defend himself; that at the enquiry, which was held by the management, the workman concerned was found guilty of misconduct under para 27(16) of the Standing Orders and that, therefore, he was dismissed from the company's service with effect from 6th September, 1961, and as such the workman concerned is not entitled to any relief.

3. On behalf of the workman concerned the Colliery Mazdoor Sabha, affiliated to the Indian Mine Workers Federation, filed written statement on 12th December, 1961, in which the case of the workman was that he went on leave but had to apply for extension on account of his illness and even before expiry of his leave he sent medical certificate in support of extension of leave; that, in the meantime, there was a serious outbreak of small-pox in his village and his brother and mother both fell victims and his brother ultimately died and, therefore, he could not inform the management and he later reported for duty at the colliery on 21st July, 1961; that at the enquiry he stated his case, as asked by the Manager, and his entire statement was written by Sri B. K. Dutta, who held the enquiry, but he did not care to translate it in Hindi; that he honestly gave his thumb impression on the papers as directed by the Manager and he was not asked any explanation; that he went on doing his work from 21st July, 1961, onwards but suddenly after 1½ months by a letter dated 6th September, 1961, the management dismissed him; that the matter, thereafter, was taken up in conciliation and ultimately on failure of conciliation the matter was referred to this Tribunal; that the enquiry was not fair and, therefore, his dismissal is illegal and unjustified and he should be reinstated with full back wages.

4. The case was taken up on 4th December, 1962 at Dhanbad when Sri Sunil Sen, Organising Secretary of the Colliery Mazdoor Sabha, appeared for the workmen concerned, and, Sri S. K. Ray, Chief Personnel Officer, with Sri J. P. L. Sinha, Group Personnel Officer of the company appeared for the management. Both the parties filed documents which with mutual consent were taken in evidence and marked as exhibits. The documents filed by the management are Exhibits M to M. 12 and those filed by the workman are Exhibits W to W. 8. One witness on each side was examined. W.W.1 Shri T. N. Srivastava, an Officer of the Colliery, was examined on behalf of the workman and M.W.1 Sri Syed Abdul Latif a Clerk of the Labour Officer of the Company, was examined on behalf of the management. Both the parties were heard at length in support of their respective cases.

5. The facts of the case are simple. What happened was this. The workman was appointed on 27th January, 1960 in the company's service. On his application he was granted leave from 17th April, 1961 to 7th May, 1961. On 2nd May, 1961 he applied for extension of leave for two weeks' further leave commencing from 8th May, 1961 and attached a medical certificate dated 6th May, 1961 in support of his application for leave. His application for extension of leave is Exhibit M and the medical certificate is Exhibit M.2. On 15th May, 1961 the leave applied for under Exhibit M was not granted and he was informed accordingly under Exhibit M.3. He took no steps between 16th May, 1961 to 20th July, 1961 either to inform the management or for leave or for permission to be absent. The workman, however, appeared and reported for duty on 21st July, 1961. On 22nd July, 1961 a charge sheet under Para 27(16) of the Standing Orders Exhibit M.12 was served on him to which he gave a reply on 22nd July, 1961. The charge sheet and the reply both are on the same sheet of paper and is marked Exhibit M.4. In reply to the charge sheet that he over-stayed his leave from 8th May, 1961 to 20th July, 1961 without any satisfactory cause, the workman said that his brother since died and therefore he was compelled to remain at home after the said incident and again his mother was also suffering from illness and so he was not able to reach in time. He, therefore, pleaded helplessness and asked his absence to be excused. On 25th July, 1961 the Manager of the company served the workman with a notice Exhibit M.8 informing him that the enquiry will be held in the Manager's office on 26th July, 1961 at 9 a.m. and therefore he was asked to attend the enquiry with his evidence or witnesses, if any and to substantiate his explanation to the charge. On 26th July, 1961 the enquiry was held by Sri B. K. Dutta, Welfare Officer, in presence of the workman concerned and at that enquiry Shri

Samin Kumar Gupta was examined as a witness for the management and his statement is Exhibit M.6. The workman concerned declined to cross-examine him and he put his thumb impression at the end of the statement of Shri Samin Kumar Gupta. The workman Shri Kumar Jaswara was also examined and his statement is Exhibit M.7 and it bears his thumb impression. This statement was read over and explained to the workman concerned in Hindi and he admitted it to be correct and there is a certificate to that effect at the foot of his statement Exhibit M.7. The enquiry officer thereafter submitted his report on 26th July, 1961 which is Exhibit M.5 in which he found the workman concerned guilty of the charge. On 9th August, 1961 the manager recommended to the C.M.E. for his dismissal (Exhibit M.9). The Deputy Chief Mining Engineer accepted the recommendation and ordered dismissal of Shri Kumar Jaswara, the workman concerned. There is a further note on Exhibit M.9 dated 11th August, 1961 to the effect that the dismissal is approved but serious view is taken of the fact that although an application for extension of leave was made on 2nd May, 1961 no reply was given till 15th May, 1961 although the leave was to expire on 7th May, 1961. On 6th September, 1961 the workman was served with a letter Exhibit M.10 that he was dismissed with immediate effect from the company's service. The matter was, thereafter taken up by the Conciliation Officer who submitted a failure report on 31st October, 1961 Exhibit W.

6. The objection of the management that the present dispute was an individual dispute and not an industrial dispute was not pressed and was given up in the argument and therefore it is not necessary to express any opinion on it.

7. On behalf of the workman it was contended that the charge sheet was illegal as being contrary to Standing Order (11) in as much understanding order (11) the workman should have been served with a charge sheet as to why he should not lose his lien and not for dismissal under para 27(16) of the Standing Orders Exhibit M.12. In my opinion, there is no substance in this contention. Para (11) of the Standing Orders provides *inter alia* that if the employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless (1) he returns within eight days from leave and (2) he gives an explanation to the satisfaction of the Manager of his inability to return before the expiry of the leave. Para 11(2) further provides that in case the employee loses his lien on the appointment, he is entitled to be kept on the *badli* list. Para 12 of Standing Orders Exhibit M.12 further provides that notwithstanding anything mentioned above, any employee who overstays his sanctioned leave or remains absent without properly approved leave will render himself liable for disciplinary action. Para 27(16) of the Standing Order says that continuous absence without permission and without satisfactory cause for more than 10 days shall denote misconduct. Para 28 of the Standing Orders lays down that no order for punishment by way of suspension, dismissal or fine shall be made unless a charge sheet is issued to the workman guilty of misconduct. In this view of the matter, I do not think the charge sheet made under para 27(16) can be said to be illegal. In my opinion, therefore, there is no substance in this objection and this must be rejected.

8. On behalf of the workman, however, an award dated 6th April, 1961 made by Sri Salim M. Merchant in Reference No. 51 of 1960 was filed in order to show that in that case, in similar circumstances, the charge sheet was held to be illegal. That case has no application here because in that case, as will appear from para 8 of the award Exhibit W.8, the charge sheet was issued to show cause why the workman should not lose his lien on his service and therefore it was held that the company in such circumstances could not pass an order of dismissal. I do not therefore think that the award Exhibit W.8 is of any assistance to the workman concerned.

9. I may further mention that the workman also filed some other documents, such as, Exhibits W.3, W.4 to show in case of other workman in spite of over-stay they were not dismissed nor such a charge sheet was ever served. But, in my opinion, that also is not a sufficient ground for holding that the charge sheet issued in the present case is illegal.

10. Another objection raised on behalf of the workman was that his statements Exhibit M. 7 or of the management's witness Exhibit M. 6 were not read over and explained to the workman concerned in Hindi but they were recorded according to the dictation of the Manager. It is true that Sri B. K. Dutta, the Enquiry Officer, has not been examined but it is admitted on both sides that Sri B. K. Dutta is no longer in the service of the present company since July or August 1961 and for that reason he could not be examined. But more serious is that the workman concerned has not been examined at all. It was contended on behalf of the management that

he is no longer interested in this reference and that is the reason why he is not coming forward. W.W.1, the witness examined on behalf of the workman, has admitted that the workman was in good health on the date of hearing but still he did not come. It was said by him that Gur Din Prasad was sent to the workman and he brought the news that the mother of the workman concerned was very seriously ill and therefore he could not come. Gur Din Prasad, however, has not been examined. W.W.1 further stated that it was decided at a meeting of the branch Committee of the Union to send Gur Din Prasad to the workman as he was not coming or responding to several letters, and so a resolution was passed to that effect but copy of that resolution was not brought. W.W.1 further admitted that the workman, after the failure of the conciliation, was not coming, and that the workman had sent a letter to the effect that the Union may do things what it thinks proper. That letter was not brought by W.W.1. In my opinion, absence of the workman concerned from the evidence box is a serious *lacuna* in the case of the workman as he was the best person to say whether his statement was not read over to him and explained to him in Hindi as stated in Exhibit M.7 or that the statement of prosecution witness Exhibit M.6 was not read over to him as alleged by him. In my opinion, in the absence of the evidence of the workman concerned, the statement of W.W.1 cannot be accepted. For these reasons, I hold that the enquiry was fair and proper and does not suffer from any infirmity at all. I, therefore, hold that the enquiry was fair and proper and that the finding of the enquiry officer which was not shown to be perverse, and is not perverse.

11. It is not disputed that absence without permission and without satisfactory cause for more than 10 days amounts to misconduct for which an employee may be fined or dismissed under para 27(16) of the Standing Orders. In the present case, there can be no doubt that the workman admittedly absented himself continuously for more than 10 days till 20-7-1961 without any permission or without any leave and therefore he was guilty under para 27(16) of misconduct and therefore he was rightly dismissed.

12. I may mention that the explanation now given was not mentioned by the workman concerned in his statement which he made at the enquiry Exhibit M.7. The case set up now that after application for extension of leave Exhibit M his brother and mother fell ill and brother subsequently died was mentioned for the first time in the reply to the charge sheet but curiously enough at the enquiry that case was not made out by the workman in his statement nor did he produce any evidence to support this case. In my opinion, there was no sufficient cause for the workman to be absent.

13. For these reasons, I uphold the enquiry and finding of the enquiry Officer, by holding that the dismissal of Sri Kumar Jaswara by the management of Bankola Colliery was justified and therefore the workman is not entitled to any relief.

14. This is the award which I make and submit to the Government of India, under Section 15 of the Act.

DHANBAD,
The 5th December, 1963.

Sd./- RAJ KISHORE PRASAD,
Presiding Officer.
Central Government Industrial Tribunal, Dhanbad.
[No. 2/21C/61-LR. II.]

New Delhi, the 1st January, 1964.

S.O. 161.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the matter of an application under Section 33A of the said Act from Firtoo S/o. Kirpal, Miner No. 2 Incline, Nowrozabad Colliery, District Shahdol, Madhya Pradesh, which was received by the Central Government on 18th December, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
BOMBAY.

APPLICATION No. CGIT 24 OF 1963.

(Arising out of Ref. No. CGIT 43 of 1962)

Firtoo S/o Kirpal, Miner, No. 2 Incline, Nowrozabad Colliery, Dist. Shahdol, M.P.—Applicant.

Vs.

The management of Nowrozabad Colliery, P.O. Nowrozabad, Dist., Shahdol, Madhya Pradesh.—Opposite Party.

Re: - Complaint under Section 33 (A) of Industrial Disputes Act, 1947.

PRESENT:

Shri Salim M. Merchant,—Presiding Officer, 1963.

Dated the 18th December, 1963.

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

AWARD

This complaint under Section 33(A) of the Industrial Disputes Act, is dated 26th October, 1963, and is directed against the alleged refusal of the opposite party to employ the applicant in its service. After the complaint was registered an application dated 4th December, 1963, was received from the applicant in which is stated that under the agreement of that date entered into between the Nowrozabad Colliery Mazdoor Sangh, which represents the applicant and the Personnel Officer for and on behalf of the opposite party, the applicant has been reinstated in service and the opposite party has also agreed to pay him a lump sum of Rs. 75 towards the service for the period from 7th October, 1963, to 3rd November, 1963, during which the applicant was not provided with work. The applicant has prayed that in the circumstances he may be allowed to withdraw his application. Along with the application the applicant has filed a copy of the said agreement dated 4th December, 1963, which is annexed hereto and marked 'Annexure A'.

I, therefore, allow this application to be withdrawn in terms of the agreement dated 4th December, 1963, reached between the parties and the same shall, therefore, stand dismissed as withdrawn. No order as to costs

Sd./- SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'A'

FORM 'H'

[See Rule 58]

Memorandum of Settlement

Name of parties:

Shri M. S. Kapoor, Personnel Officer, for and on behalf of the Management of Nowrozabad Colliery, P. O. Nowrozabad, Distt. Shahdol (M.P.).

AND

Shri G. R. Swamy, Secretary, Nowrozabad Colliery Mazdoor Sangh on behalf of Shri Firthoo S/o Kripal Miner, Nowrozabad Colliery, P.O. Nowrozabad.

The above workman filed an application dated 26th October, 1963, under Section 33(A) of the Industrial Disputes Act, 1947, before the Central Government Industrial Tribunal, Bombay which is numbered as CGIT-24 (APPLN) of 1963, (arising out of Reference No. CGIT-43, of 1962) which is pending hearing. The parties however have mutually agreed, without prejudice to their rights and contentions, as under:—

1. That Shri Firthoo S/o Kripal, shall make an application before the Central Government Industrial Tribunal, Bombay to withdraw the application dated 26th October, 1963, filed under Section 33(A) of the Industrial Disputes Act, 1947. That further, the Union representing Shri Firthoo in this application also agrees to this withdrawal.

2. That the Company agrees to pay a lump sum of Rs. 75 (Rs. Seventy five only) to Shri Firthoo for all his claims for the period from 7th October, 1963, to 3rd November, 1963, i.e., upto the day when he reported for duty and given

employment. This settlement has been agreed to on the 4th day of December, 1963.

Sd./- G. R. SWAMY,
Secretary,

Sd./- M. S. KAPOOK,
personnel Officer,
for and on behalf of the
Management of Nowrozabad
Colliery, P.O. Nowrozabad,
Date: 4-12-1963.

Witness: (1) Sd./-
Witness: (2) Sd./-

(1) C.C. Conciliation Officer (Central) Jabalpur.
(2) C.C. Regional Labour Commissioner (C) Jabalpur.
(3) C.C. C.L.C. (C), New Delhi.
(4) C.C. The Secy., Govt., of India, Ministry of Labour and Employment, New Delhi.

Nowrozabad Colliery Mazdoor
Sangh, for and on behalf of Shri
Firthoo S/o Kripal, Miner No. 2 Incline,
Nowrozabad Colliery,
P.O. Nowrozabad,
Date: 4-12-1963.

[No. 1/8/62-LR. II.]:

New Delhi, the 4th January 1964

S.O. 162.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Newton Chickli Colliery and their workmen, which was received by the Central Government on the 31st December, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY.

REFERENCE No. CGIT 37 OF 1963.

Employers in relation to the Newton Chickli Colliery.

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant,—*Presiding Officer.*

APPLARANCES:

For the employers.—The Agent, Newton Chickli Collieries, P.O. Parasia.

For the Workmen.—The General Secretary, Rashtriya Koyla Khadan Mazdoor Sangh, M.P. Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chandametta, P.O. Parasia.

INDUSTRY: Coal Mining.

STATE: Madhya Pradesh.

Bombay, dated 30th December, 1963.

AWARD

(1) The Central Government by the Ministry of Labour and Employment's order No. 5/48/63-LR. II, dated 28th September, 1963, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order, to me for adjudication.

SCHEDULE

Whether the dismissal of Shri Bholu Singh, workman, by the management of the Newton Chickli Colliery with effect from the 6th July, 1963, was justified? If not, to what relief is the workman entitled?"

(2) After the reference was received and the usual notices were issued on the parties for their written statements, the Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta, forwarded to this Tribunal a written statement dated 12th November, 1963, signed by the workmen directly concerned, Shri Bholu Singh in which it claimed reinstatement of Bholu Singh in service with all back wages. However, the management by its application dated 13th November, 1963, applied for extension of time to file its written statement and 10 days extension of time was

granted to it. But, by its letter dated 4th December, 1963, the management stated that it had taken back Bholu Singh on work on his having tendered a written apology, copy of which it attached to its letter. By its earlier letter dated 28th November, 1963, the management had stated that it had received from Bholu Singh a copy of a letter of apology dated 26th November, 1963, which he had also forwarded to the Secretary of the Madhya Pradesh, Rashtriya Koyal Khadan Mazdoor Sangh. The company, therefore, stated that it did not think it necessary to file any written statement. Thereupon a copy of the company's said letter dated 4th December, 1963, and copy of the letter of apology dated 26th November, 1963, were forwarded by the Tribunal to the General Secretary of the union and he was asked to state whether he had any objection to the dispute being marked settled, as requested by the management in its said letter dated 4th December, 1963. Later, a telegram dated 21st December, 1963, was also sent to the General Secretary of the union enquiring whether the disputes should be marked settled as prayed for by the company in its application dated 4th December, 1963, to which a telegram in reply was received by the Tribunal on 24th December, 1963, from the General Secretary of the union, intimating that it had no objection to this dispute being marked settled.

In view of the fact that the parties have settled the dispute by Shri Bholu Singh, the workman directly concerned, having been reinstated in service on his having tendered an apology to the management, the dispute is marked as settled and shall stand dismissed as such, and I award accordingly.

No order as to costs.

Sd./- **SALIM M. MERCHANT,**
Presiding Officer.
[No. 5/48/63-LR. II.]

S.O. 163.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri R. K. Nair a workman of Indian Copper Corporation Limited, Post Office Ghatsila C/o Mosaboni Mines Labour Union, Post Office Mosaboni Mines, District Singhbhum, which was received by the Central Government on the 28th December, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947.

COMPLAINT No. 18 OF 1963

(arising out of Reference No. 8 of 1962)

PARTIES:

Sri R. K. Nair B.N.P. 5739/W, C/o Mosaboni Mines Labour Union, P.O. Mosaboni Mines, Dt. Singhbhum—*Complainant.*

Vs.

Indian Copper Corporation Limited P.O. Ghatsila, Dist. Singhbhum.—*Opposite party.*

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer.*

APPEARANCES:

Sri R. K. Nair, *Complainant in person.*

For the Opposite party:—Sri J. K. Ghosh, Advocate, with Sri N. A. B. Hill, General Manager, and, Sri K. Ramamoorthi, Labour Officer.

STATE: Bihar.

INDUSTRY: Copper.

Camp: Patna, dated the 17th December, 1963

AWARD

This complaint was made on 14th June 1963 in Reference No. 8 of 1962 by Sri R. K. Nair, an employee in the Labour and Welfare Office of the Opposite party,

under Section 33A of the Industrial Disputes Act, 1947, complaining that he was not allowed his acting allowance as usual to which he was entitled as a matter of right when he acted for the Labour Office Clerk, Sri S. K. Das, of the Labour and Welfare Office during his absence on leave from 8th February, 1962 to 17th February, 1962 and from 18th March, 1963 to 13th April, 1963.

2. The complainant appeared *in person*. On behalf of the management Sri J. K. Ghosh, Advocate, with Sri Hill, General Manager, and, Sri Ramamoorthi, Labour Officer, appeared.

3. None of the parties adduced any oral evidence. Both of them however adduced documentary evidence, which, with mutual consent, was taken in evidence and marked Exhibits W to W. 8 for the workmen and Exhibits M to M. 2 for the management.

Preliminary Objection

4. Sri Ghosh, on behalf of the management, raised a preliminary objection that the complaint was not maintainable because Section 33 had not been contravened, in as much as the conditions of service applicable to the complainant had not been altered within the meaning of Section 33(3)(a) of the Act and as such the complainant was not entitled to make the present complaint under Section 33A of the Act.

5. Sri Nair, in reply, contended that he was a 'protected workman' within the meaning of the Explanation to Sub-section (3) of Section 33 of the Act, and, as such his right to get acting allowance, which was implied and inherent in the conditions of his service, which was never disputed in the past by the management, had been denied to him and it had been withheld, and as such his case was covered by sub-section 33(3)(a) and as there had been contravention of Section 33(3)(a) he was entitled to make the complaint and, therefore, it was maintainable.

6. It was conceded by Sri Ghosh that Section 33(3)(a) would apply, if the conditions precedent envisaged by clause (a) of Section 33(3) are satisfied, because the complainant is admittedly a 'protected workman' within the meaning of the Explanation to Sub-section (3) of Section 33 of the Act. The objection of Sri Ghosh, however, was that payment of acting allowance cannot be considered to be a condition of service, and, therefore, with-holding of such acting allowance cannot amount to altering the conditions of service applicable to the complainant within the meaning of Section 33(3)(a) so as to entitle him to make a complaint under Section 33A of the Act.

7. It is conceded by the management that when an employee acts for another employee getting higher salary in a higher grade the acting employee is entitled to acting allowance. This is admittedly the prevailing practice in the company. The right of an employee to get acting allowance when he acts for an employee in a higher grade and who gets higher salary therefore has become an implied condition of service of an employee in this company. When it is admitted by the management that in the past, on several occasions, the complainant acted for Shri S. K. Das and get acting allowance, the earning of acting allowance by the complainant, considering the relations between the parties coupled with the prevailing practice in the company must be deemed to be a condition of his service applicable to him and as such the with-holding of such acting allowance, to which legally and legitimately the complainant was entitled, would amount to altering the conditions of his service within the meaning of Section 33(3)(a) of the Act. The word 'altering', occurring in clause (a) of Sub-section (3) of Section 33, must be construed liberally and given a wider interpretation. It does not mean only changing, or altering in the literal sense of alteration but it also connotes with-holding because when a person is entitled to an acting allowance with-holding of it would amount to alteration of his right to receive such an acting allowance. For instance, with-holding of annual increment which has become an implied term of condition of service pending adjudication proceedings is a contravention of Section 33 of the Act. In *Mcleod & Co. Ltd., Vs. workmen*, 1963, Supreme Court Notes 335b. It was held by the Supreme Court that a provision for *tiffin* in addition to wages and dearness allowance was in that case, an implied condition of service. Admittedly, in the present case, the acting allowance has been with-held without the express permission in writing of the Tribunal before which Reference No. 8 of 1962 was pending, and therefore, I think that sub-section (3)(a) of Section 33 of the Act has been contravened. If that is the correct view of law, as I think it is, then it is obvious that the complainant has the right to make a complaint

under Section 33A of the Act. For the reasons given above, I therefore, reject the Preliminary objection of the management and held that the complaint is maintainable.

ON MERITS:

8. On merits it was contended by Sri Ghosh that although it was conceded by the management that previously the complainant acted for Sri S. K. Das and the complainant got acting allowance but on those occasions the complainant was asked orally by the Labour Officer, Sri Ramamoorthi, to act for Sri Das, but on these two disputed occasions, although it was admitted that Sri Das went on leave, the complainant was not asked by the Labour Officer to act and as such the complainant was not entitled to any acting allowance for acting for Sri Das.

9. Sri Nair, in reply, contended that on previous occasions, when admittedly he acted for the Labour Office Clerk, Sri Das, and he got acting allowance, he was never asked by the Labour Officer to act as it was not necessary for him to do so in as much as it was implied in the condition of his service that he would act for Sri Das during his absence and he would then get acting allowance because he was next to Sri Das amongst the employees working in the office of the Labour Officer but on these two disputed occasions, according to the normal practice, the complainant acted for Sri Das when he went on leave, as a matter of course, but he was not given acting allowance only by way of victimisation for being an active member of the Union.

10. I find that the complainant has a good case on the merits also because the only ground urged by the management to defeat the claim of the complainant was that on previous occasions, when admittedly the complainant acted and was paid acting allowance, he was asked orally to act by the Labour Officer, Sri Ramamoorthi; but on these two disputed occasions he was not asked to act by the Labour Officer. There is, however, no evidence to support this case of the management. Sri Ramamoorthi, the Labour Officer, was present in Court but he did not come forward to pledge his oath. He only made an oral statement to the above effect. He had not the courage to come forward in the witness box and make the above statement on oath. This new case is not made out in the written statement which the company filed on 5th September 1963 saying that on previous occasions the complainant was asked orally by the Labour Officer to act in place of Sri Das and therefore he was paid the acting allowance.

11. As far back as on March 22, 1962 (Vide Exhibit W. 2) the complainant wrote to the Mine Superintendent, in reply to his letter dated 20th March 1962 (Exhibit W.1), that in the past he was never asked either in writing or orally to act in place of the Labour Office Clerk, Sri Das, but as per usual practice whom the Labour Office Clerk was on leave, he did his work and got the acting allowance and no question of the nature mentioned in Exhibit W. 1 was ever raised. To this letter Exhibit W. 2, no reply was sent by the management repudiating the assertion of the complainant. In spite of Exhibit W. 2 indicating the complainant's case, the management did not in its written statement filed in this case say a word that in the past the complainant acted only when asked orally by the Labour Officer to act. The complainant had as such no occasion to anticipate this defence in the argument when his case mentioned in Exhibit W. 2 on 22nd March 1962 was not denied or controverted in the written statement filed by the management on 5th September 1963 and therefore he did not come forward to pledge his oath. In the written statement, in para 2(a), what was stated by the management was that the complainant was not asked on the disputed two occasions to act for Sri Das during his absence on leave. Nowhere in the written statement it was stated that in the past the complainant used to act for Sri Das during his absence only when he was asked to do so and therefore he was paid acting allowance. For these reasons the complainant did not come forward to give evidence to the effect that he was not asked on previous occasions to act but as a matter of course, because he was next to Sri Das, he acted for him in the usual way.

12. Exhibit W. 5 is the duty list prepared by the Labour Officer and entrusted to the employees of his office. Exhibit W. 5 is not disputed. This Exhibit W. 5 shows that Shri Nair is next to Shri Das and, therefore, naturally he would act for Sri Das during his absence. Exhibit M shows the work being done by Sri Nair. Exhibit M sent by Sri Nair to the Mine Superintendent shows the duties performed by him including typing letters, although Exhibit M mentions that he is not typing letters.

13. On the documents on the record, it appears that it is the practice the company in the Labour Officer that when Sri S. K. Das, Labour Officer, Clerk, went

on leave, Sri Nair, the complainant, who was next to Sri Das in the Labour and Welfare Office of the company, acted in his place and he got his acting allowance as there was no necessity for the Labour Officer to ask specifically Shri Nair to act for Shri Das as it was never done before nor there is any such rules or officer order of the company as none has been placed before me.

14. It was argued by Sri Ghosh that, no doubt, admittedly Sri Das was on leave during the disputed periods, but when he went on leave from 8th February 1962 to 17th February 1962 and the complainant was not paid his acting allowance, he made an application to the Labour Officer, Sri Ramamoorthi, for acting allowance by a letter Exhibit W—M-2, dated 19th February 1962 to which a reply Exhibit W.1 was sent on 20th March 1962 by the Mine Superintendent to Sri Nair enquiring what extra work was performed by him during the absence on leave of Sri S. K. Das as it is understood that he was not asked to act during his leave period. To this letter Exhibit W.1 the complainant sent a reply on 22nd March 1962 Exhibit W.2 to the Mine Superintendent, referred to earlier, informing him that in the past he had never been asked either in writing or orally to act in place of Labour Office Clerk out as per usual practice when the Labour Office Clerk was on leave the complainant did his work and get acting allowance and no question of the extra work done by the complainant was raised. He further stated in Exhibit W.2 that during the disputed periods when Labour Office Clerk was on leave the complainant's acting allowance was withheld because he feels that the said allowance has been withheld with the intention to negative his legitimate right and the question of his doing extra work during the period Labour Office Clerk was on leave is out of question and as such records were not asked to be kept in the past or in the present. He, however, mentioned in Exhibit W.2 that to the best of his capacity he carried out his usual routine work. The complainant on 24th April 1962 made another application to the Mine Superintendent Exhibit W.3 for an order to pay the acting allowance to which he is entitled for the month of February 1962.

15. Relying on the above facts it was argued by Sri Ghosh that in view of the letters Exhibit W to W.3 it is improbable to expect that the complainant would have again acted for Sri S. K. Das during the period from 18th March 1963 to 13th April 1963, but I do not think that there is any substance in this contention, because no doubt the complainant made an application on 19th February 1962 Exhibit W but before he get a reply from the management he started acting for Sri Das on and from 18th March 1963 in the usual course and after he had started working that he got the letter dated 20th March 1963 Exhibit W.1 from the Mine Superintendent asking the complainant to state what extra work he had done as he was not asked to act for Sri Das during his leave period. It was also during the period of his acting for Sri Das from 18th March 1963 that the letter Exhibit W.2 was sent by the complainant to the Mine Superintendent on 22nd March 1962. No where in Exhibit W.1 it is said by the Mine Superintendent that the complainant should not act for Sri Das in the future unless specifically asked to do so. The Labour Officer must have been knowing that his clerk Sri Das was again on leave from 18th March 1963 and that the complainant was acting for him and still the Labour Officer did not admittedly either orally or in writing ask the complainant not to act or to continue to act for Sri Das because he had not asked by him to do so. In these circumstances, I do not find any improbability in the case of the complainant that he acted again from 18th March 1963 to 13th April, 1963.

16. The case of the complainant is that as he was the Assistant Secretary of the Union he was being penalised and not paid his acting allowance. This allegation of the complainant is supported by the letter of the Labour Officer to the complainant sent on 4th March 1963 (Exhibit W.4) in which the complainant was informed that too many applications of the company's employees addressed to the Mine Superintendent are written by the complainant and as this places the department in an awkward position he should cooperate with the Labour Officer in stopping this practice. It would further appear from the letter of the Labour Officer dated 30th January, 1962 Exhibit W.7 that the Labour Officer was not very happy with the Complainant. In Exhibit W.7 the Labour Officer said that too many persons were coming and asking for the complainant in the Labour Officer's room which naturally disturbs his work which is at times of a confidential nature and therefore he should shift to the room occupied by Sri Ruplal, who appears from Exhibit W.5, is last in the ladder of employees in the Labour Office. Immediately the next day on 31st January 1962 the Labour Officer issued an order to the Complainant Exhibit W.8, asking him to shift to the other room from that day. The complainant sent a reply to the Labour Officer to his letter Exhibit W.7 on the same day on 30th January 1962 which is Exhibit W.6. In that letter Exhibit W.6 the complainant denied the allegations made by the

Labour Officer against him and said that from the tone of his letter Exhibit W.7 it was clear that he was completely prejudiced against him for being the Assistant Secretary of the Mosabeni Mines' Labour Union. In Exhibit W.6 however the complainant asked the Labour Officer to let him know from which date he should shift to the other room and accordingly the Labour Officer gave order Exhibit W.8.

17. On an analysis of the evidence on record, it appears, as stated earlier also, that in the company the practice in the past had been that without any written or oral order from the Labour Officer the complainant used to act for Sri S. K. Das, as he was next to him, during the period of his absence and he was paid the acting allowance also. During the disputed periods, according to the past practice, he acted but he was not paid the acting allowance, because of the complainant's trade union activities, as he is the Assistant Secretary of the Union and takes a prominent part on behalf of the workers and espouses their cause. To defeat this just claim of the complainant, now the company has come forward with a case, which is not supported by any evidence, that whenever the complainant acted for Sri S. K. Das in the past he was asked to do so orally by Labour Officer. If it was so the best person to give evidence on this point was the Labour Officer himself but the Labour Officer, as stated earlier, although present and although orally stated but he did not examine himself as a witness and pledge his oath or produce any documentary evidence to show that in the past that was the practice. It is rather surprising that in such a big company if really, as alleged, now, Sri Nair used to act for Sri Das only when asked by the Labour Officer, no office order used to be passed by him and no records were kept of such orders even if oral.

18. For these considerations, I accept the case of the workman that he is entitled to acting allowance for the periods from 8th February 1962 to 17th February 1962 and 18th March 1963 to 13th April 1963, during which two periods admittedly he worked for Sri S. K. Das, who was admittedly on leave during these periods. On merits also the complaint, therefore, must succeed.

19. The result, therefore, is that the complaint is allowed and the complainant is held entitled to get acting allowance for the periods from 8th February 1962 to 17th February 1962 and 18th March 1963 to 13th April 1963 during which periods admittedly the complainant acted for Sri S. K. Das, Labour Office Clerk, of the office of the Labour Officer.

20. This is the award which I make and submit to the Government of India, under Section 15 of the Act.

Camp: PATNA,

The 17th December, 1963.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 23/64/61-LR.II.]

S.O. 164.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Rajmahal Quartz Sand and Kaolin Company, Rajmahal, Santhal Parganas and their workmen which was received by the Central Government on 1st January, 1964.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANABAD

In the matter of a Reference under Section 10(1) (d) of the Industrial Disputes Act, 1947 (XIV of 1947).

REFERENCE NO. 36 OF 1962

PARTIES:

Employers in relation to the Rajmahal Quartz Sand and Kaolin Company, Rajmahal, Santhal Parganas

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

APPEARANCES:

For the Employers: Sri Sourindra Mohan Sen and Sri Durga Charan Dutta.

For the Workmen: Sri Mahendra Jha, Sri Rup Narain Singh and Sri Monohar Shah.

STATE: Bihar.

INDUSTRY: Mining (China Clay).

Camp: Patna, dated the 18th December, 1963

AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 22/24/62-LR.II, dated the 9th October, 1962 referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Rajmahal Quartz Sand and Kaolin Company, Rajmahal, Santhal Parganas and their workmen in respect of the matter specified below in the schedule attached to the order of reference, for adjudication to this Tribunal:

SCHEDULE

"Whether the present rates of wages paid to the (i) daily rated workers, (ii) monthly paid staff, and (iii) wagon loaders, working in the mines of Messrs. Rajmahal Quartz Sand and Kaolin Company, Post Office Rajmahal, Santhal Parganas, are reasonable, and if not, what should be the revised rates of wages of these workmen?"

2. The company filed its written statement on 13th November 1962. The workmen also filed their written statement, through their Union, Mangalhat Khadan Mazdoor Sangha, Rajmahal, on 19th November 1962. The Company, thereafter, on 11th December 1962 filed a rejoinder to the written statement filed by the Union and the workmen also filed a rejoinder on 4th January 1963 to the written statement filed by the company on 13th November 1962 and to its rejoinder filed on 11th December 1962. The workmen, later on, on 18th September 1963 filed a supplementary reply.

3. The case was taken up for hearing, at the request of both the parties at Patna, on 16th December 1963. Sri Sailendra Mohan Sen, Partner, representing the company and Sri Durga Charan Dutta, Partner of H. Dutta & Co., Managing Agents of the Company, appeared on behalf of the management. Sri Mahendra Jha, President of the Union; Sri Rupnarain, General Secretary of the Union, and Sri Monohar Shah, a workman, appeared for the workmen concerned.

4. No oral evidence was adduced on behalf of the workmen but they filed documents which, with mutual consent, were taken in evidence and marked Exhibits W to W-6.

5. The management examined, however, one witness Sri Durga Charan Dutta, M.W. 1, on its behalf. The management also filed documents which were also, with mutual consent, taken in evidence and marked Exhibits M to M-18.

6. The case of the workmen, as given in the written statement and later modified in argument was that the company, being a very old and prosperous concern, employing 400 workmen of different categories achieved prosperity due to the entire labour force on account of cooperation by them, but it is unfortunate that the company does not pay any heed for payment of increased wages which fall short of the mere subsistence level and do not even constitute the minimum wage for maintaining just above the starvation level. According to the workmen, therefore, the present rates of wages are unreasonable and should be revised and, accordingly, the wages paid to daily rated workers should be increased by 0.25 n.P. per day, wages paid to monthly rated, excluding Supervisory and Managerial staff, should be increased by Rs. 10/- per month and the wages paid to wagon loaders should be increased by Rs. 1.50 n.P. per wagon.

7. The case of the management, as mentioned in the written statement and as put forward in the course of arguments by Sri S. Mohan Sen, partner of the company, is that the present rates of wages for all the three categories of workers mentioned in the reference are reasonable and compare favourably in relation

to the wages prevailing in similar industries in the locality and, therefore, they need no revision; that the financial condition of the Company is not static and it is unable to bear further increase in the revision of the wage structure; that the company is being assessed to income tax since 1959; that for the last one year the production has been hampered due to the deficit of coal supply and the company is apprehensive of serious loss consequent upon fall in sale; that the question of renewal of lease is still pending before the State Government of Bihar and it is not possible to make any new commitment in view of the same; that, therefore the present rates of wages, being already higher than those prevalent in the locality, need no revision and as such the workmen are not entitled to any increase.

8. In the course of his argument, Sri Sen took a preliminary objection to the effect that there was an agreement between the parties on 18th February 1961, Exhibit M-6, and that has not been terminated as required by Section 19(2) of the Act and as such the present dispute raised by the workmen is not maintainable and they are not entitled to any relief as long as the said agreement is in force. I will take up the preliminary objection first.

Preliminary Objection:

9. The relevant facts material for the decision of this preliminary objection are these: On 18th February 1961 there was a settlement arrived at during the course of conciliation proceedings between the management and the workmen and a memorandum of settlement mentioning the demands of the Union and the terms of settlement was recorded and reduced to writing and the said memorandum of settlement, signed by all the parties concerned, is Exhibit M-6. On behalf of the management reliance was placed on Items (2) and (3) as covering the present dispute. These two items are as below:—

- "(2) Yearly increment for every monthly paid workers should be fixed at the rate of Rs. 5/- in their basic wages.
- (3) The D.A. paid to the workers in the establishment should be merged with their basic wages."

In this agreement Exhibit M-6 the period for which the said settlement was to be binding on the parties is not mentioned. As a result of this agreement the strike notice was withdrawn by the Union. Subsequently, on 26th June 1962 the General Secretary of the Union sent a letter to the Managing Agent of the Company Exhibit M-17 specifying the demands of the employees of the company. The relevant demands, with which we are concerned, are the first three, which are in these terms:—

- "1. Increment of wages of each workman at Re. 0.25 nP. per day (including the rest day) either daily or weekly paid basis workmen, as they are ill-paid and cannot maintain themselves with the existing low rate of wages.
- 2. Every monthly paid workers be given an increment of Rs. 25.00 nP. per month to enable the workmen to maintain themselves and their dependants in these hard days.
- 3. Increment in the wages of the loaders for wagon loading at Rs. 2.00 nP. per wagon in the existing rates and the present system to penalise the loaders in the matter of demurrage charges should be abolished."

To the charter of demands Exhibit M. 17 presented by the Union to the Managing Agent, the management sent a reply on 10th July, 1962, Exhibit M. 18 in which it was mentioned that it was not possible for the company to meet the demands under the present circumstances as due to heavy taxation the company has to run with a deficit and the renewal of Mining Lease applied for long age has not been granted up-to-date. Thereafter, the Union sent a demand notice Exhibit W on 5th November, 1963 and submitted a charter of demands to the proprietor of the Company, with a copy to the other persons concerned. In this demand notice, Exhibit W, it was stated that as the industry is in much better position now than before and as the number of crushing machines have increased much and the production has reached its target and the selling rates of finished materials have also been equally increased, the Union is of the view that the management should comply with the demands to maintain industrial harmony keeping in view the abnormal situation of the country where the prices of the primary needs for the human consumption have abnormally increased, and, therefore, the union asked the management to comply with its demands within one

month failing which it will take legitimate course of law. The material items in Exhibit W. with which we are concerned, are items (1) and (2) and they are these:

- "(1) An ad hoc increase be made in the basic wages of each monthly rated workmen at 25 per cent henceforth and yearly increased be given at Rs. 5 to such workmen who shall receive below Rs. 100 and those receiving above shall receive Rs. 10 yearly.
- (2) The wages of all the daily rated and weekly paid workmen be increased at 25 per cent irrespective of males and females."

This strike notice Exhibit W specifying the charter of demands was submitted after the failure of conciliation proceedings as will appear from the failure report of the Conciliation Officer, dated 26/28 July, 1962 (Exhibit M.).

10. On the foregoing facts and relying on the agreement Exhibit M. 6, it was argued, on behalf of the management, that as admittedly the said agreement Exhibit M. 16 had not been terminated as required by Section 19(2) of the Act by notice in writing of an intention to terminate the settlement given by any of the two parties, the said agreement Exhibit M. 6 is still in force and as such the present demands of the workmen cannot be maintained. On the other hand, it was contended, in reply, on behalf of the workmen, that true no notice in writing as required by Section 19(2) of the Act terminating the agreement Exhibit M. 6 has been given by the workmen, but its representation making demands on 26th June, 1962 Exhibit M. 17 on which the matter was taken up by the Conciliation Officer which resulted in failure Exhibit M. and the subsequent demand notice submitting its charter of demands on 5th November, 1963 Exhibit W. amount to termination of the agreement and therefore Section 19(2) of the Act was complied with.

11. The Supreme Court in Workmen of Western India Match Co. Vs. Western India Match Company, 1962 (I) L.L.J. 661, at page 665, in similar circumstances observed that though no formal notice under Section 19(2) was given, the letter sent by the Union in that case was itself construed as notice within the meaning of that provision. In the instant case, the letter Exhibit M. 17 sent on 28th June, 1962, by the Union, presenting its charter of demands, long after the expiry of two-months from the date of the agreement in question, Exhibit M. 6, dated 18th February, 1961, followed by demand notice Exhibit W, dated 5th November, 1963, must be construed as notice within the meaning of Section 19(2) of the Act. In this view of the matter, I hold that the representations made by the Union in its letter Exhibit M. 17 stating its demands and later in its strike notice Exhibit W do amount to termination of the settlement Exhibit M. 6, and, therefore, Section 19(2) is not a bar to consideration of the present demands.

12. In the above connection, it was further argued by Shri Jha, on behalf of the workmen, that the present disputes regarding rates of wages paid to daily workers and wagon loaders are not at all covered by the agreement Exhibit M. 6. Item 2 of the Terms of Settlement is as follows:

- "(2) It is agreed that an ad hoc increase of Rs. 5 to all the monthly paid staff would be given with effect from 1st January, 1962. It will be paid along with the pay of January, 1962."

It is clear from the above that it does not cover daily rated workers or wagon loaders. It speaks of an agreement to pay an ad hoc increase of Rs. 5 to all the monthly paid staff. Item (2); therefore, cannot possibly be considered to be an increment in the wages paid to daily rated workers or wagon loaders.

13. It was, however, argued by Shri Sen, on behalf of the management, that Item No. 3 speaks of D.A. of Rs. 5 per head to be merged with basic wages and makes it applicable to all workers whether daily or monthly rated, and, therefore, it was argued that item No. 3 would apply to daily rated workers also. But I do not think Item 3 would cover the present dispute regarding the rates of wages paid to daily rated workers. Item 3 of the Terms of Settlement in Exhibit M. 6 is in these terms:

- "(3) It is agreed that the present temporary D.A. of Rs. 5 per head would be merged with the basic wages with effect from 1st February, 1961, i.e. it will be done along with the pay of February, 1961. This applies to all workers who are now in receipt of D.A. whether daily rated or monthly rated."

I do not think the agreement to merge D.A. of Rs. 5 per head with the basic wages means any increase in the basic wages paid to daily rated or monthly rated

workers. There the question was about D.A. and if it should merge with basic wages. No doubt now the present rates of wages represent the basic wages plus D.A. but according to the workmen these rates are low and unreasonable in view of the present rise in prices.

For these reasons, in my opinion, the case of the daily rated workers and wagon loaders is not covered by the agreement at all. In this view also the preliminary objection as far as daily rated and wagon loaders are concerned has no merit on this ground also.

Merits—

14. On the question, whether the present rates of wages paid to (1) daily rated workers, (2) monthly paid staff, and (3) wagon loaders, working in the mines of the company, are reasonable, and, if not, what should be the revised rates of these workmen, the management has filed charts of rates of wages paid in the company's mine, with which we are concerned, as well as in two other China Clay Firms near about the present mine, namely, Standard Mercantile Company, which is at a distance of $1\frac{1}{2}$ miles and Maharaja Cossimbazar China Clay Mines (P) Ltd., which is at a distance of $\frac{1}{2}$ a mile from the mine in dispute. The management has also filed such charts of one stone quarry firm of Hindusthan Granite Stone Works to show that the rates of wages paid in those mines and in the mine in dispute are the same and therefore the present rates of wages are quite reasonable and need no revision.

15. It will be useful to know the rates prevalent in similar concerns and others which I have summarised in the following chart:

Chart of Rates of Wages paid

Sl. No.	Exhibit	Name of the firm	Daily rated workers	Monthly rated workers exclud- ing supervi- sory and manage- rial staff	Wagon loaders
			Rs.	Rs.	Rs.
1. M. 7 and M.15.	Standard Rajmahal Mercantile Co., 1½ miles from the mine in question (M. W. 1) China clay business.		1.25 to 1.50 per day	60/- to 70/- per month	7.50 per wagon.
2. M. 12, M. 8 and M.15.	Rajmahal Industries owned by Shri Prodosh Kumar Dey (½ mile from the mine in ques- tion M.W. 1) China Clay Business.		1.25 to 2/- per day 1.25 to 1.37 per day (M.8)	40/- to 100/- per month 65/- to 70/- per month	Not given. 7.50 per wagon. (M.15)
3. M.9.	Hindusthan Granite Stone Works at Tajhbari, not China Clay Business		1.25 to 1.75 per day.	60/- to 80/-	Not given.
4. M.13.	Maharaja Cossimbazar China Clay Mines (P) Ltd., Calcutta —outside Rajmahal.		1.12 (male) per day 1.00 (female) per day.	Not given.	Not given.
5. M.15	Rajmahal Quartz-Sand and Kao lin Co. (mine in dispute)		1.25 to 1.57 per day.	60/- to 85/- per month	8.62 to 10.54 per wagon.
6.	<i>According to management</i>			No increase needed.	7 days wages for 6 days work.

1	2	3	4	5	6
7	Demand of workmen :		Increase of 0.25 nP. per day.	Increase of Rs. 25 per month but in argument reduced to Rs. 10/- per month.	Extra per month but in wages at Rs. 2/- per wagon but in argument demanded Rs. 9/- i.e., 1.50 increase per wagon.

16. Admittedly the present mine is a very old mine and according to the Union the mine is making huge profits but according to the management it is making no profit if income tax is deducted from it. On this question the evidence of Shri Durga Charan Sen, M.W., is important. He says that he is a partner of the managing agents of the mine since 1921. He further said that as far as he remembered it was run on a loss upto 1930, but after 1930 onwards gradually it was making profit. He further admitted that although at present it was making profit but after paying income tax no profit was left. The management produced the balance sheet and Profit and Loss Account of the mine as at 31st December, 1962, Exhibit M. 14, which shows that the net profit brought down was Rs. 49,598.36, but Rs. 37,903.63 has been shown as balance being loss to Balance Sheet. The person who prepared Exhibit M. 14 was not examined to show how the figures were arrived at. M.W. 1 has not thrown any light on it.

17. The workmen, however, produced a chart to show production and despatch in 1963 (Exhibit W. 4) and also another chart Exhibit W. 5 for 1962. The witness for the management M.W. 1 did not admit the correctness of Exhibits W. 4 and W. 5 and he said that without verifying records he cannot admit the correctness of figures given in these exhibits. The management, however, did not produce any documentary evidence or any registers or any other of its records to contradict the figures given by the workers.

18. According to Exhibit W. 4 the total production of 1963 of the different categories of the clay and sand were as follows:

Production 1963

Month	Hill cutting in Box.	No. 1 clay	No. 2 clay	Tata wasted sand	K. S. sand
January.	270	613.60	50.00	3750Q	5272Q
February	118	Nil	110.00Q	2725Q	2476Q
March	60	319.00	70.00Q	900Q	1200Q
April	Nil	Nil	234.00Q	2426Q	2378Q
May	Nil	350.00Q	Nil	2545Q	2194Q
June	71	204.00Q	Nil	1208Q	6510Q
July	60	148.00Q	44Q	750Q	5296Q
August	192	655.45Q	225Q	3600Q	4400Q
TOTAL	771	2290.05Q	733Q	1,7904Q	29,726Q

Despatch in 1963 according to Exhibit W. 4 is as below

Month	No. 1 clay Per quintal	Ordinary sand Per quintal	Waste sand Per quintal	K. S. sand Per quintal	No. 2 clay Per quintal
January.	2,200	70,000	3,109	2,870	..
February	611	5,340	1,625	2,904	366
March	44.25	7,136	2,234	3,032	458.42
April	Nil	5,524	1,808	2,275	Nil
May	732.65	4,088.44	3,528	4,882	244.95
June	766.90	244	735	975	175.00
July	1195.72	6,664	2,540	9,578	10.80
August	488.25	2,640	965	4,516	239.25
TOTAL	6038.77	101,556.44	16,544	32,032	1,494.42

19. In 1962, according to Exhibit W. 5, the total production of No. 1 clay was 11,410 Quintal and of No. 2 clay 1,627 Quintal and of sand clay 1,42,018 Quintal.

20. From the Failure Report of the Conciliation Officer, Ext. M, it appears that while discussing the financial position of the company, the Union contended that the company's financial position was very strong and sound and according to the Union the total earnings of the company in the year 1961 were Rs. 5,46,420.00 and approximately the company's expenditure was Rs. 2,35,800 thus giving the company a net profit of Rs. 3,10,620 and the company paid a sum of Rs. 35,000 as income tax. The management, on the other hand, contended before the Conciliation Officer that it had already expressed its views in its written statement dated 23rd July, 1962 filed before the Conciliation Officer on 25th July 1962. The above figures are mentioned in the Failure Report of the Conciliation Officer Exhibit M. Beyond simply alleging that the figures mentioned in the Failure Report of the Conciliation Officer Exhibit M. are wrong and not admitted, the management has not produced any documentary evidence, except the profit and loss account and Balance Sheet Exhibit M. 14, to show the correct financial position of the business and to contradict the figures given in Exhibit M. Admittedly it is a very old business rather the oldest in that area. No competent person was examined to corroborate the entries in Exhibit M. 14 and show how and on what basis the figures were arrived at.

For these reasons, for the present purpose it must be taken as correct that in 1961, as mentioned in Exhibit M, the company had a net profit of Rs. 3,10,620. We do not know if in the subsequent years after 1961 or before 1961 the company made any loss as alleged. It appears, therefore, that the financial position of the company is not such that it cannot bear the burden of increase in the wages, when admittedly according to M.W. 1, the company is making profit every year since after 1931.

The management in its chart Exhibit M-15 tried to show that if the increase as demanded originally by the workmen is granted its additional burden would come to Rs. 40,175.00. But on the modified demands of the workmen the figures would work out approximately to Rs. 35,065 per year as given below:—

1. Monthly paid—Rs. 10/- per month. $22 \times 10 \times 12$	Rs. 2,640.00
2. Daily rated workers—Increase of Re. 0.25 nP. per day. 350 heads.	Rs. 30,625.00
3. Wagon loaders—Increase of Rs. 1.50 nP. per wagon.	Rs. 1,800.00
	Rs. 35,065.00

It was contended, on behalf of the management, that admittedly, one month's bonus is paid to monthly staff and seven days' pay for six days' work is paid to daily rated workers and therefore the rates of wages paid in this mine are higher than paid in other firms as the other companies do not pay for rest days and as such the management's rates cannot be considered to be unreasonable as mentioned in Exhibit M.

21. The factors which should be taken into consideration in fixation of the wage scales have been laid down by the Supreme Court in several cases, one of

which is *French Motor Car Company Limited Vs. Their workmen*. 1962 (II) L.L.J. 744, and, in my opinion, the principles laid down there have to be borne in mind in revising, if necessary, the wage scales and deciding this reference. It was not denied on behalf of the management that there has been considerable rise in the price of foodstuffs even since 1961 and that the prices of the primary needs for the existence of the workmen have abnormally increased and are soaring high every day and that there has been increase in the cost of living since 1961 even. It was also not denied that as the number of crushing machines have increased very much, as said by the Union in its demand notice Exhibit W, the production has also increased, and the industry is in a much better position now than ever before. In view of these considerations, particularly because of the rise in the prices of foodstuffs and cost of living and the abnormal situation in the country it cannot but be held that the present rates of wages paid to the workers are not quite reasonable and in keeping with the time, and, therefore, a case for revision of wage scales has been made out and they need to be revised. As such, I answer the first part of the reference accordingly.

22. As regards what should be the revised rates of wages, keeping in view the financial position of the management so that no undue financial burden is thrown on the management, and also keeping in view the principle of industry-cum-region and after considering the wage scales prevailing in similar concerns in the region with which we are dealing and which have been mentioned earlier and which are admittedly new concerns, as compared to the mine in dispute which is the oldest in that region and most prosperous and the largest concern, I am of the opinion that the demands of the workmen for increase of 0.25 nP. per day in the wages of daily workers, at Rs. 10/- per month in the wages of monthly paid staff, excluding supervisory and managerial staff, are the minimum and quite reasonable. For an increase of Rs. 1.50 nP. per wagon in the wages of wagon loaders, however, appears to be not very unreasonable and proper in view of the fact that seven days' wages are paid for six days' work, and, therefore, I think an increase of Re. 0.50 nP. per wagon in the wages of wagon loaders per wagon would meet the ends of justice.

23. For the reasons given above, I, therefore, answer the reference by holding that the present rates of wages prevalent in the mine are not reasonable and that they should be increased and revised as below:—

- (1) *Daily Workers.*—Should get an increase of Re. 0.25 nP. per day in their present daily wages, which are admittedly, as mentioned in Exhibit M-15, Rs. 1.25 nP. minimum and Rs. 1.57 nP. maximum per day.
- (2) *Monthly rated staff.*—All monthly staff, excluding Supervisory and Managerial staff, should be given an increase at a flat rate of Rs. 10/- per month.
- (3) *Wagon loaders.*—Wagon loaders should also be given an increase of Re. 0.50 nP. per wagon, and, therefore, instead of Rs. 7.50 nP. per wagon they should now be given Rs. 8/- per wagon. The system of paying seven days wages for six days' work, one day being paid rest day, will continue.

24. The rates of wages fixed above will be effective from the date when this award will become enforceable under Section 17A after its publication under Section 17 of the Act. As complications will arise if these rates of wages are fixed retrospectively, I fix the date of their implementation prospectively. There will be no order for costs.

25. This is the award which I make and submit to the Government of India under Section 15 of the Act.

| Sd./- RAJ KISHORE PRASAD,

| Presiding Officer,

Central Government Industrial Tribunal,
Dhanbad.

Camp: PATNA;

The 18th December, 1963.

[No. 22/24/62-LR.II.]

ORDERS

New Delhi, the 3rd January 1964

S.O. 165.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the B. Roy's Ramkanali Colliery, Post Office Katrasgarh (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Was the dismissal of Shri Ashutosh Modak from service with effect from 12th September, 1963 by the management of B. Roy's Ramkanali Colliery (Post Office Katrasgarh, District Dhanbad) justified? If not, to what relief is the said workman entitled?

[No. 2/81/63-LR.II.]

New Delhi, the 4th January 1964

S.O. 166.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery of Messrs Associated Cement Companies, Limited, Post Office Nowrozabad, District Shahdol, Madhya Pradesh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the dismissal of Shri Bedram, Electrical Apprentice of the Nowrozabad Colliery by the management of the said Colliery with effect from the 6th October, 1962, was justified?

2. If not, to what relief is the workman entitled?

[No. 5/42/63-LR.II.]

S.O. 167.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Bhuggatdih Colliery of Messrs East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia (District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of East Bhuggatdih Colliery of Messrs East Bhuggatdih Colliery Company (Private) Limited, Post Office Jharia (District Dhanbad)

were justified in not paying full days wages to the workers named below on the date given against each? If not, to what relief are the workers entitled?

Sl. No.	Name	Date	Designation
------------	------	------	-------------

3rd Shift (No. 2 Pit)

1	Shri Ram Sumar Kurmi	.	5-8-63	Pick Miner.
2	Shri Naha Nand Kewat	.	Do.	Do.
3	Shri Somar Bhuiyan	.	Do.	Do.
4	Shri Soman Bhuiyan	.	Do.	Do.
5	Shri Kalu Pashi	.	Do.	Do.
6	Shri Mushi Bhar	.	Do.	Do.
7	Shri Maharaniddin Pandey	.	Do.	Do.
8	Suri Sukar Bhuiyan	.	Do.	Do.
9	Shri Kalu Kurmi	.	Do.	Do.
10	Shri Ram Suchit Kurmi	.	Do.	Do.
11	Shri Jagannath Kurmi	.	Do.	Do.

Ist Shift

1	Shri Sheo Pujan Bhar	.	8-8-63	Do.
2	Shri Anoop Bhar	.	Do.	Do.
3	Shri Bajrangi Bhar	.	Do.	Do.
4	Shri Sambharu Nonia	.	Do.	Do.
5	Shri Chabas Bhar	.	Do.	Do.
6	Shri Mangroo Gausai	.	Do.	Do.

3rd Shift

1	Shri Sumar Kurmi	.	10-8-63	Do.
2	Shri Mahanand Kewat	.	Do.	Do.
3	Shri Munshi Bhar	.	Do.	Do.
4	Shri Maharaniddin Pandey	.	Do.	Do.
5	Shri Sukar Bhuiyan	.	Do.	Do.
6	Shri Kashi Malla	.	Do.	Do.
7	Shri Kalu Kurmi	.	Do.	Do.
8	Shri Jagannath Kurmi	.	Do.	Do.
9	Shri Kalu Pashi	.	Do.	Do.
10	Shri Ram Suchit Kurmi	.	Do.	Do.
11	Shri Chhota Mali	.	Do.	Do.
12	Shri Ram Khelawan Gareria	.	Do.	Do.
13	Shri Baraku Manjhi	.	Do.	Do.
14	Shri Gure Pashi	.	Do.	Loader.
15	Shri Beni Pashi	.	Do.	Do.
16	Shri Ramdas Pashi No. 2	.	Do.	Do.
17	Shri Nankhu Jaiswara	.	Do.	Do.
18	Shri Roopai Jaiswara	.	Do.	Do.
19	Shri Shital Lohar	.	Do.	Do.
20	Shri Dal Singal Jaiswara	.	Do.	Do.
21	Shri Kalapu Jaiswara	.	Do.	Do.
22	Shri Ram Swaroop Jaiswara	.	Do.	Do.
23	Shri Phulchan Bhar	.	Do.	Do.
24	Shri Ramu Gwala	.	Do.	Do.

[No. 1/23/63-LR.II.]

A. L. HANNA, Under Secy.

New Delhi, the 2nd January 1964

S.O. 168.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendments in the notification of the Government of India

in the Ministry of Labour and Employment, No. S.O. 2665, dated the 2nd November, 1961, namely:—

In Schedule II to the said notification,

(1) against Serial No. 1, the following entries in columns 3, 4 and 5 shall be omitted, namely:—

3	4	5
“Ajmer	Kishangarh	1. M/s Mahesh Metal works, Kishangarh 2. M/s Rajasthan State Electricity Board, Kishangarh”;

(2) against Serial No. 12, the following entries in columns 4 and 5 shall be omitted, namely:—

4	5
“Ramganjmandi	1. M/s Associated Stone Industries, Ramganjmandi. 2. M/s Rajasthan Oil Mills, Ramganjmandi. 3. M/s Krishna Oil Mills, Ramganjmandi.”

[No. F. HI-6(141)/59.]

S.O. 169.—Whereas the Central Government is satisfied that the employees of the Posts and Telegraph Motor Service Workshop, Bombay, belonging to the Government of India, Department of Posts and Telegraphs, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948, and in continuation of the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 229, dated 15th January, 1963, published in sub-section (ii) of Section 3 of Part II of the Gazette of India, dated the 26th January, 1963, the Central Government hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year from the 15th day of January, 1964.

[No. F. 6(127)/63-HI.]

S.O. 170.—Whereas the Central Government is satisfied that M/s Handbags Production-cum-Training Centre, 43—Okhla Industrial Estate, New Delhi, provide to their employees benefits substantially similar to those provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the said factory from all the provisions of the said Act for a period of one year from the date of issue of this notification.

[No. F. 6(131)/63-HI.]

S.O. 171.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Worli Dairy, Bombay, an undertaking of the Government of Maharashtra under the Greater Bombay Milk Scheme, from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 5th January, 1964.

[No. F. 6(133)/63-HI.]

S.O. 172.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories in sparse areas, hereby exempts the

factories situate in the areas in the State of Assam mentioned in the Schedule below from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

S. No.	Name of District	Name of the area	Name of the factory
1.	Kamrup	Bamunigaon	M/s Bamunigaon Saw and Oil Mills.
2.	Khasi and Jaintia Hills	Shillong	M/s Mahabir Industries.

[No. F. 6(77)/63-HI.]

S.O. 173.—Whereas the Central Government is satisfied that the employees of the Telegraph Workshops, Alipore, Calcutta, the Telephone Workshops, Bombay, the Telegraph Workshops, Jabalpur and the Senior Electrical Engineer's Test Rooms, Calcutta, belonging to the Department of Posts and Telegraphs under the control of the Government of India are otherwise in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 281, dated the 23rd January, 1963, the Central Government hereby exempts each of the above mentioned factories from all the provisions of the said Act for a further period of one year with effect from the 1st February, 1964.

[No. F. 6(13)/63-HI.]

S.O. 174.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Madras Government Branch Press, Pudukkottai from the payment of the employers' special contribution leviable under Chapter VA of the Act.

[No. F. 6(122)/63-HI.]

New Delhi, the 6th January 1964

S.O. 175.—Whereas the Government of the State of Orissa has, in pursuance of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri S. N. Misra, Secretary to the Government of Orissa, Labour Department, as a member of the Employees' State Insurance Corporation representing that Government;

Now, therefore, in pursuance of the provisions of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "[Nominated by the State Governments under clause (d) of section 4]", in item 17, for the entries "Shri C. B. Jain", the entries "Shri S. N. Misra" shall be substituted.

[No. F. 1(101)/63-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 3rd January 1964

S.O. 176.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Lakhanlal Gayasen to be an Inspector for the whole of the State of Bihar for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a mine or an oil-field or any controlled industry.

[No. 20(60)/63-P.F.I.]

New Delhi, the 4th January 1964

S.O. 177.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri E. L. Johny and Shri M. Krishnankutty Menon, to be Inspectors for the whole of the State of Kerala for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(35)/63-P.F.I.]

S.O. 178.—In pursuance of clauses (a) and (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2427, dated the 8th November, 1958, namely:—

In the said notification, for entries (1) to (3), the following entries shall be substituted, namely:—

(1) Secretary to the Government of Madhya Pradesh, Labour Department, Bhopal.	Chairman, nominated by the Central Government.
(2) General Manager, Madhya Pradesh State Road Transport Corporation, Bhopal.	Two persons nominated by the Central Government on the recommendation of the State Government.
(3) The Director of Industries, Madhya Pradesh, Indore.	

[No. 12/1/63-P.F.II.]

SHAH AZIZ AHMAD, Dy. Secy.

MINISTRY OF EDUCATION

(Department of Education)

ARCHAEOLOGY

New Delhi, the 4th January 1964

S.O. 179.—In pursuance of Section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) the Central Government hereby make the following correction :

In part I of the schedule to the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 under Mysore State District Kadur, for Vidyasankara temple substitute the following :—

Sl. No.	Name of Monument	Locality
37	Vidyashankar temple in District Chickmagalur together with adjacent land comprised in Municipal assessment No. 1/1/covering an area of 0.46 acres and having the boundaries as follows:—	Sringeri.
North	Municipal assessment No. 1/2.	
East	Tunga River	
South	Tunga River	
West	Municipal assessment No. 1/2.	

[No. F. 4-40/63-Cl.]

New Delhi, the 6th January 1964

S.O. 180.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

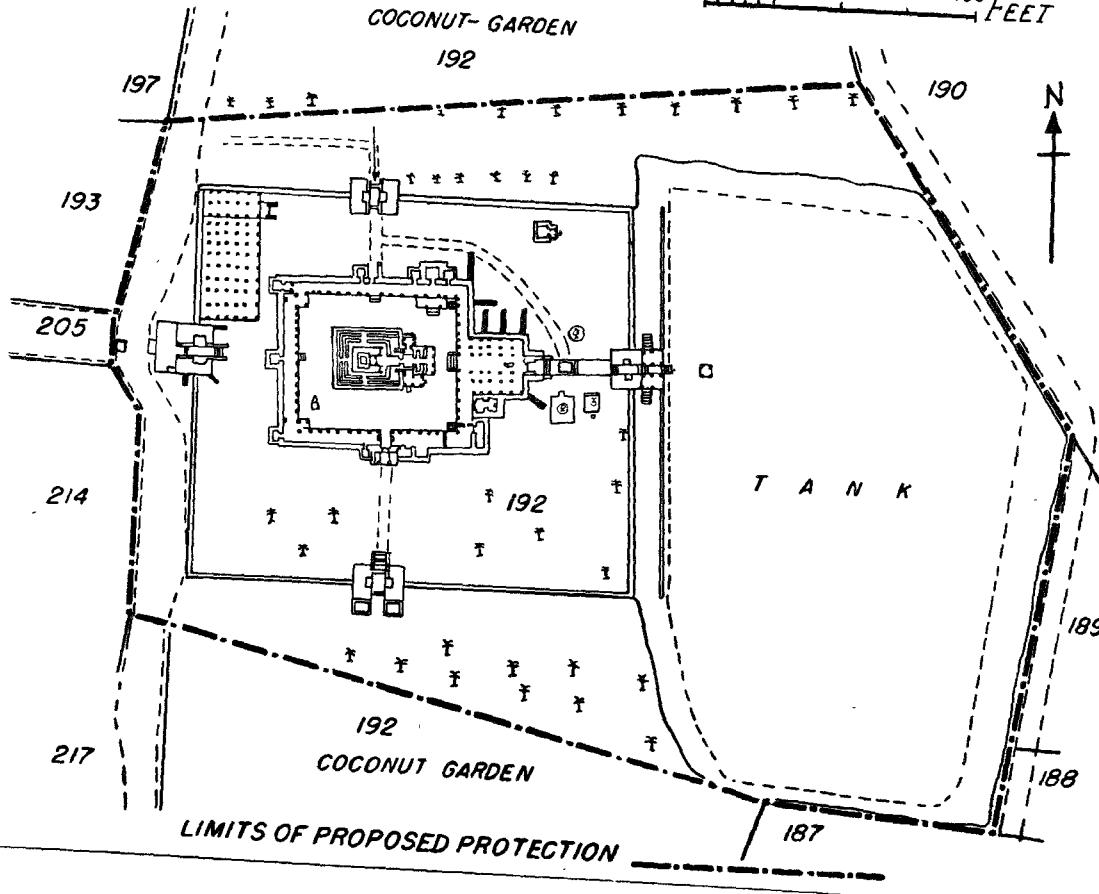
Sl. No.	State	District	Tehsil	Locality	Name of monument/site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh.	East Godavari.	Kakinda	Samalkot- Bhimavaram.	Bhimesvara temple together with adjacent land comprised in part of survey plot No. 192.	Part of Survey plot No. 192 as in the plan reproduced below	6.92 Acres	<i>North</i> :— Remaining portion of survey plot No. 192— Coconut garden. <i>East</i> :— Survey plot Nos. 188, 189 and 190. <i>South</i> :— Survey plot No. 187 and remaining portion of survey plot No. 192— Coconut garden. <i>West</i> :— Survey plot Nos. 193, 205 and 214.	Government	The temple is under religious use.

SITE PLAN OF BHIMESVARA TEMPLE AT SAMALKOT-BHIMAVARAM

20 0 20 40 METRES

COCONUT-GARDEN

50 0 50 100 150 FEET



[No. 4-27/63-C1.]

S.O. 181.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance,

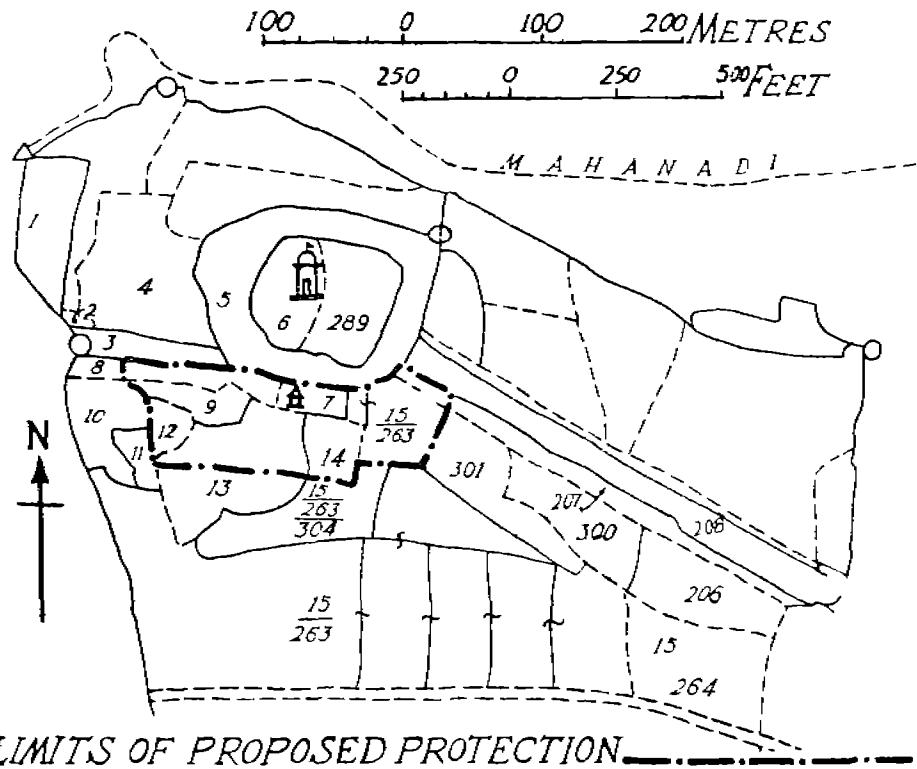
Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

Sl. No.	State	District	Tehsil/ Taluk	Locality	Name of monument	Revenue plot number to be included under protection	Area Acres	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Orissa	Cuttack	Banki Sub- ¹ Division.	Rameswar Durga temple	Whole of survey plot Nos. 7, 9, 12, 14 and part of adjacent land comprised in survey plot Nos. 7, 9, 12, 14 and part of survey plot Nos. 8, 13, 207 and 15/263.	3.45	North :— Survey plot Nos. 5, 3 and 208. East :— Survey plot No. 301 and re- maining por- tion of survey plot No. 207. South :— Survey plot No. 15/263/304 and remaining por- tion of survey plot Nos. 15/263 and 13. West :— Survey plot Nos. 11, 10 and re- maining por- tion of survey plot No. 8.	Private excep- ting survey plot Nos. 9, 14 and 207 which are Government property.	Under Worship	

SITE PLAN OF DURGA TEMPLE AT RAMESWAR



[No. F. 4-39/63-C1.]
 S. J. NARSIAN,
 Assistant Educational Adviser.

MINISTRY OF INDUSTRY

ORDER

New Delhi, the 5th January 1964

S.O. 182/IDRA/6/20.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Glass and Ceramics, in place of members appointed under the Government of India in the late Ministry of Commerce and Industry Order No. S.O. 2852, dated the 26th October, 1961, as amended from time to time, whose tenure of office has expired by efflux of time or otherwise:

DEVELOPMENT COUNCIL FOR GLASS AND CERAMICS

1. Dr. S. R. Lele, Managing Director, M/s. Borosil Glass Works Ltd., Chotani Estate, Proctor Road, Grand Road, Bombay-7—Chairman.
2. Shri B. B. Sarkar, Managing Director, M/s. Krishna Silicate and Glass Works Ltd., 17, Radha Bazar Street, Calcutta-1.
3. Shri V. R. Bhide, M/s. Kangan Private Ltd., 208, Lady Jamshedji Road, Bombay.
4. Shri S. Sathyaranayanan, Managing Director, M/s. South India Glass and Enamel Works, Cherry Road, Salem (Madras State).
5. Shri H. L. Somany, M/s. Hindusthan Twyfords, 2, Wellesley Place, Calcutta-1.
6. Shri G. K. Bhagat, M/s. Bengal Potteries Ltd., 45, Tangra Road, Calcutta-15.
7. Shri A. K. Ganpule, M/s. Parshuram Pottery Works Co. Ltd., Morvi (Gujarat).
8. Shri B. N. Bhaskar, M/s. Ishwar Industries Ltd., Ishwar Nagar, New Delhi.
9. Dr. U. P. Ganguli, M/s. Bengal Enamel Works, Ltd., Kanak Buildings (Top Floor), 41, Chowringhee Road, Calcutta-16.
10. Shri P. R. Chaki, M/s. Belpahar Refractories Ltd., Belpahar (Orissa).
11. Shri P. C. Varshney, M/s. Seraikella Glass Works (P) Ltd., Kandra (Bihar).
12. Shri T. V. Punnoose, General Manager, Kerala Govt. Ceramics, Kundara (Kerala).
13. Shri H. K. Ramaswami, M/s. Seshasayee Industries Ltd., 1, Alexandra Road, Tiruchirapalli.
14. Shri R. M. Meha, M/s. E.I.D. Parry Ltd., Ranipet.
15. Shri D. R. Subramaniam, General Manager, M/s. Burn & Co. Ltd., 12, Mission Row, Calcutta.
16. Shri G. U. Chitale, M/s. Paisafund Glass Works, Talegaon Dabhade, Distt. Poona.
17. Shri D. S. Seth, Works Manager, M/s. Tata Chemicals Ltd., Mithapur (Gujarat).
18. Shri P. L. Lamba, 'Gaylords', Connaught Circus, New Delhi.
19. Shri Raghunath Sahay, M/s. Hindusthan Vacuum Glass & Metal Industries, Faridabad.
20. Shri K. H. Parikh, General Manager, M/s. Vibhuti Glass Factory, Varanasi.
21. Shri A. Samba Moorty, Director, Government Porcelain Factory, Bangalore.
22. Dr. K. D. Sharma, Deputy Director, Central Glass and Ceramic Research Institute, Calcutta.
23. Dr. Sadgopal, Deputy Director (Chemicals), Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi-1.

- 24. Shri L. G. Mirchandani, Deputy Secretary, Ministry of Industry, New Delhi.
- 25. Shri S. R. Khanna, Development Officer, Dte. General of Technical Development, New Delhi.

2. Shri S. R. Khanna, Development Officer, Directorate General of Technical Development, New Delhi, is hereby appointed to carry on the functions of the Secretary to the Secretary to the said Development Council.

[No. 1(16)/L.Pr./63.]

K. J. GEORGE, Dy. Secy.

